Monday
26th April, 1954

सत्यमेव जयते

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

VOLUME I, 1954

Sixth Session

1954

**PARLIAMENT SECRETARIAT
NEW DELHI**

299LSD

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Gazettes & Debates Section
Parliament ...
Acc. No. 25292
Dated 01.12.2014

THE PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Monday, 26th April, 1954

The House met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

COLLECTION OF RENT

***2022. Sardar Hukam Singh: Will the Minister of Works, Housing and Supply** be pleased to state:

(a) the rent that was assessed and collected on Government residential buildings at Delhi from 1st November, 1952 to 31st October, 1953; and

(b) the rent that was collected for the same buildings during the twelve months preceding the introduction of the new system of rationalisation of rent on area basis?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). The rationalisation embraced only such residential accommodation in New Delhi as were owned by Government, as distinct from those that were requisitioned or leased. The total of the rents realisable from the occupants of such accommodation for the year ending 31st October, 1952 was approximately Rs. 31 lakhs and that for the year ending 31st October, 1953 was approximately Rs. 35 lakhs, 90 thousand.

Sardar Hukam Singh: What types of government residences have contributed to this increase of Rs. 4 lakhs in rent?

Sardar Swaran Singh: The upper layers.

Sardar Hukam Singh: Are the bungalows of the Members of Parliament included in that?

Sardar Swaran Singh: The hon. Member knows that his rent has not increased. So, that could not possibly contribute towards the increase.

Sardar Hukam Singh: I might not be occupying the upper layer, and that is why I wanted to know what types of buildings have contributed to this increase. What are those upper layers?

Sardar Swaran Singh: I thought that the type of residence that the hon. Member is occupying is the upper layer. At any rate, the rent paid by not a single Member of Parliament has increased, and therefore, that question does not arise.

BRITISH INDUSTRIES FAIR

***2023. Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have decided to participate in the British Industries Fair to be held this year;

(b) if so, what will be the nature and extent of the participation; and

(c) the estimated expenditure involved?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Exhibits will include

(i) exportable goods both manufactured and un-manufactured;

(ii) materials pertaining to general intelligence regarding industrial development, production level attained and targets aimed under the Five Year Plan;

(iii) exhibits of cultural and prestige value.

(c) Rs. 2,75,000/-.

Shri S. N. Das: What is the organisation that has been entrusted with the task of successful participation in this Fair?

Shri Karmarkar: The organisation is the Ministry of Commerce and Industry, principally.

Shri S. N. Das: May I know whether any separate department has been set up in the Ministry, to deal with this exhibition or other exhibitions of this nature?

Shri Karmarkar: Yes, there is an Exhibition Wing, headed by the Director of Exhibitions. Our foreign missions also co-operate with us in this matter, and whenever necessary, some officer from the Ministry goes there personally to supervise.

Shri S. N. Das: May I know in what way the private industries and others interested in this are invited to participate in these exhibitions?

Shri Karmarkar: We circularise to the commerce and industry organisations, and we have a mailing list which is fairly large, consisting of individual manufacturers and the like. We circularise them in good time, to exhibit their goods. In this exhibition, some seventy-five exhibitors will exhibit their goods.

EXPORT PROMOTION COUNCIL FOR TEXTILES

***2024. Shri K. P. Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government propose to set up an Export Promotion Council for textiles;

(b) if so, how this body would be constituted; and

(c) whether Government propose to form a non-official body with expert knowledge for the promotion of textile export?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The matter is under consideration.

(c) It is proposed to have an autonomous, non-official organisation which should work under the supervision of the Cotton Textiles Fund Committee.

Shri K. P. Sinha: May I know when it is going to take shape, and also whether we are going to take any help from this Council, in achieving our target of one thousand million yards of textile export in 1954?

Shri Karmarkar: This Council has already taken shape, and at present, an *ad hoc* committee with nineteen members has been formed to look after this work.

Shri K. P. Sinha: May I know the total quantity of textile export in 1953?

Shri Karmarkar: Trusting to memory, it is a little more than six hundred million yards.

Shri L. N. Mishra: Is there any proposal to have Export Promotion Councils for some other industries also and if so, for which industries?

Shri Karmarkar: Yes, Export Promotion Councils are under contemplation for some other industries, but I could not offhand give the list of such industries.

Shri T. N. Singh: May I know whether the membership of this Council will be confined only to the textile interests, or whether other interests, and other parties which are neutral, will also be represented in this body?

Shri Karmarkar: Only active parties will be parties to it, and not neutral parties; and principally, the textile interests.

Shri Barman. In the matter of textile exports, the Export Promotion Committee in 1950 detected two defects. The first was the unsatisfactory nature of the packing, and they suggested that the Indian Standards Institution should evolve standards in regard to packing. The second defect was the inferior quality supplied, as against the quality contracted for. In order to remove this defect, they suggested an arbitration clause to be inserted in a standard form of contract. May I know whether these defects have been removed, and whether any such complaints have come in from outside importers?

Shri Karmarkar: I could not say offhand about the arbitration clause that has been suggested. But I am happy to tell the House that under both heads of complaint referred to by my hon. friend, there has been distinct improvement, both in respect of packing, as well as in respect of production.

KHADI

***2025. Shri B. K. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity and value of *khadi* that has been produced during 1953;

(b) which khadi-producing centres have shown an increase in their turnover of 10 per cent. or more as compared to that in 1952; and

(c) what amount of subsidy has been given to these centres under the subsidy scheme?

The Minister of Commerce (Shri Karmarkar): (a) 1,06,57,468 sq. yds. valued at Rs. 1,94,00,798.

(b) A statement is laid on the Table of the House. [*Placed in the Library. See* No. S-129/54.]

(c) Rs. 1,82,705-12-0.

Shri B. K. Das: May I know whether any of these institutions have shown an increase of more than ten per cent?

Shri Karmarkar: Yes, judging by the number, roughly, about a hundred institutions have shown an increase of more than ten per cent.

Shri B. K. Das: What is the largest percentage, and which institution has shown that increase?

Shri Karmarkar: I have not got the figures about the largest percentage.

Shri S. N. Das: May I know whether any assessment has been made as to increase in the sale of *khadi* after the subsidy has been given?

Shri Karmarkar: Yes, as compared with 1952, the year 1953 has shown a definite improvement.

Shri B. K. Das: May I know whether the subsidy has been given, in the light of the half year's production that has been shown here, and whether the production in the second half year will also be taken into consideration afterwards?

Shri Karmarkar: Yes, we want to continue this policy of subsidy. In fact, for 1954-55, a sum of Rs. 30 lakhs has been asked for for this purpose.

Shri Dabhi: May I know whether Government propose to reserve the production of certain varieties of cloth to *khadi*?

Shri Karmarkar: No, Sir.

Shri Bhagwat Jha Azad: What other measures, besides this subsidy, have been recommended by the All India Khadi and Village Industries Board, to Government, for pushing up the sale of *khadi*?

Shri Karmarkar: I wish a separate question is tabled on the subject.

COAL

***2026. Pandit D. N. Tiwary:** Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that the raising of coal in 1953-54 has gone

down considerably specially in Bengal and Bihar; and

(b) whether it is a fact that sufficient coal is not available at the site of the collieries for loading coal wagons allotted to some of the collieries?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) There was a slight drop in the output of coal in the Bengal/Bihar coalfields.

(b) The general position is that stocks in 1953-54 were at a higher level in Bengal/Bihar collieries than in the previous year. Information is not readily available whether at any individual colliery supplies became insufficient at any time for loading the allotted wagons.

Pandit D. N. Tiwary: What was the quantity by which it was short?

Shri R. G. Dubey: At which particular colliery?

Pandit D. N. Tiwary: What was the shortfall in the raising of coal?

Shri R. G. Dubey: The production figures were as follows:

1952-53		2,92,35,070	tons
1953-54	..	2,86,43,828	tons

So, about 1;2 per cent. was the shortage.

Pandit D. N. Tiwary: May I know whether any efforts are made to increase the output and send the coal outside for consumption?

Shri R. G. Dubey: There is no question of increasing the output, because there are two or three factors which have to be taken into account in judging production. The first is the availability of transport facilities; then there was the pegging order which was introduced; and third, the export demand. So the question was not of increasing the output but of adjusting to local conditions.

Shri Bansal: To what extent was transport shortage, *i.e.* lack of availability of wagons, responsible for this shortage in coal raising?

Shri R. G. Dubey: It is very difficult to give an accurate answer. But I may just roughly say that in respect of demands so far as the upcountry is concerned—from Punjab and U. P. *via* Moghal Sarai—there is a difficulty. But downcountry and in certain seasons when there is slackness, there are enough wagons.

Shri P. C. Bose: May I know the comparative figures of despatch of coal between the years 1952-53 and 1953-54?

Shri R. G. Dubey: Despatches for the year 1952-53 were 2,67,96,757 tons and for the year 1953-54, 2,53,24,703 tons.

HINDUSTAN CABLES FACTORY

***2027. Shri Bibhuti Mishra**: Will the Minister of **Production** be pleased to state:

(a) whether all the technical officers of the Hindustan Cables Factory are Indians; and

(b) if not, the period by which the non-Indians will be replaced?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) and (b). Yes, but under a technical assistance agreement with Messrs. Standard Telephones and Cables Ltd. of U. K., the latter are employed as consultants to advise on the installation of plant and machinery in the Factory and they have some non-Indian Engineers.

श्री विभूति मिश्र : यह व्यवस्था कब तक चलेगी कि दूसरे देश के लोगों की सलाह लेकर हम अपना काम चलाते रहें और यह कब तक खत्म हो जायेगी ?

श्री आर० जी० दुबे : अभी हाल में चार विदेशी आफ़िसर्स एडवाइजर्स की हैसियत से काम कर रहे हैं और उसके बाद जब प्लान कम्पलीट हो जायगा और फैक्टरी

का प्रोडक्शन शुरू होगा तो एक साल तक दो विदेशी अफ़सरों की ज़रूरत होगी ।

Shri Sadhan Gupta: May I know whether there is any plan for replacing these foreign experts by our own experts, and of training such experts?

Shri R. G. Dubey: Yes, Sir. I have pointed out on a previous occasion that 6 Indian personnel were sent to UK for training in the workshop of the factory. They were trained there, have come back and have taken up respective position in different sections and are actually working on the erection of the factory.

Shri Sadhan Gupta: My question was whether the present foreign experts were intended to be replaced by Indian experts, and whether there was any plan for that?

Mr. Speaker: He has replied to that.

Shri Jawaharlal Nehru: That is always the policy.

Dr. Ram Subhag Singh: May I know when this Hindustan Cables Factory is likely to go into production?

Shri R. G. Dubey: Already, so far as the production of unarmoured cables is concerned, it is on. So far as the production of armoured cables is concerned, it will begin in the month of July.

COIR INDUSTRY

*2028. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount that has been spent on the Coir Industry up-to-date according to the four-year programme of the Planning Commission for the improvement of village idustries;

(b) the States which have re-organised the Coir Industry on a co-operative basis;

(c) the steps, if any, taken in the State of west Bengal for the re-organisation of the industry; and

(d) if not, the difficulties in the matter?

The Minister of Commerce (Shri Karmarkar): (a) Rs. 3,50,141.

(b) Travancore-Cochin, Madras, Andhra, Bombay and Orissa.

(c) The West Bengal Government have set up two Coir Demonstration Parties for imparting practical training in the manufacture of coir products. An experimental scheme for the extraction of coir fibre from the husks has also been put into operation by the State Government.

(d) Does not arise.

Shri S. C. Samanta: Is it not a fact that the Coir Board will take up the work of organisation and improvement? May I know when this Coir Board is going to be set up?

Shri Karmarkar: Very shortly.

Shri S. C. Samanta: What will be the relationship of this Coir Board with the Indian Central Coconut Committee which produces the raw material?

Shri Karmarkar: There is no organisational connection as such, but the Coconut Committee will be consulted on the quality production of coconut and the Coir Board will deal with the quality production of coir and coir products.

Shri S. C. Samanta: May I know what steps are taken by our Government to initiate the trade representatives abroad for reorganisation of this work?

Shri Karmarkar: We always continue to remind our trade organisations abroad, especially about coir losses. We did remind them because coir was rather in a bad way.

Shri M. D. Joshi: What aid, if any, has been given to the Bombay State for the reorganisation of this industry?

Shri Karmarkar: In Bombay, there are five co-operative societies. I am

not able to say what we have done. But the State Government has given Rs. 43,350.

Shrimati Renu Chakaravartty: May I know what is the proportion of people—workers—who have been organised on a co-operative basis to the total number of workers in the coir industry in the State of Tranvancore-Cochin?

Shri Karmarkar: I should like to have notice.

Shri Damodara Menon: May I know whether State aid is given only to institutions of the coir industry organised on a co-operative basis or it is also given to other institutions?

Shri Karmarkar: The assistance is given to the industry as a whole. But co-operative societies are specially helped and assisted because we do believe that co-operation will go a long way in solving the difficulties of the coir industry.

खादी तथा ग्रामोद्योग प्रदर्शनी

*२०२९. **श्री रघुनाथ सिंह :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि सरकार ने दिल्ली में होने वाली खादी तथा ग्रामोद्योग प्रदर्शनी को कितनी सहायता दी है ?

The Minister of Commerce (Shri Karmarkar): The entire expenditure on the exhibition has been borne by the Government.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूं कि एग्जिबिशन में हानि हुई या कि उस से कुछ आमदनी हुई ।

श्री करमरकर : हम फ़ायदा नहीं चाहते, और अगर उस से कुछ हानि होती है तो वह हानि नहीं है ।

Some Hon. Members *rose*—

Mr. Speaker: I am goingto the next question.

Shri M. L. Dwivedi: Sir, I have also given notice of the question. I have to ask a supplementary question.

Mr. Speaker: Yes.

श्री एम० एल० द्विवेदी : इस किस्म की नुमाइश से जो फ़ायदा हो रहा है वह शहर की जनता को हो रहा है, मैं यह जानना चाहता हूं कि देहात की जनता को फ़ायदा होता रहे, और सुब्बर्स को भी होता रहे, इस के लिये सरकार की ओर से कोई उपाय किया जा रहा है ।

श्री करमरकर : इसके लिये खादी इन्डस्ट्री सोचती है । और और इन्सिटट्यूशन्स भी हैं ।

KHADI INDUSTRY

*2030. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amounts advanced to various States as grants and loans for the development of the Khadi Industry during the year 1953-54; and

(b) how these loans and grants are being utilised?

The Minister of Commerce (Shri Karmarkar): (a) and (b). While no funds were given to States as such, loans amounting to Rs. 87,14,500 were made available to non-official Institutions and Societies direct. These funds are being utilised for the production and sale of khadi. For details I would invite the Hon'ble Member's attention to pages 24-26 in the Report on the working of the Boards under the administrative control of the Commerce and Industry Ministry (1953-54). Copies of this Report were supplied to the Members of the House and the Library.

Shri D. C. Sharma: May I know how many workers are involved so far as this loan is concerned?

Shri Karmarkar: The loan, as I said earlier, has been given to principal

institutions. I might mention them: Sarva Seva Sangh, Wardha; Shri Gandhi Ashram, Meerut; Bihar Khadi Samiti, Muzzafarpur; Bombay Suburban District Gramodyoga Sangh; Bombay Rajasthan Khadi Sngh, Jaipur; Hyderabad Khadi Samiti, Hyderabad; Saurashtra Rachanatmaka Samiti, Rajkot; Sarva Seva Sangh, Sevagram; Tamil Nad, Kerala and other regions, Maharashtra Seva Sangh, Poona, and Gandhi Ashram, Tiruchengode.

Shri D. C. Sharma: May I know if the hon. Minister gets any periodical reports from these Sanghs as to the way the money is spent?

Shri Karmarkar: The work is under the scrutiny of the Khadi Board and it is being done quite efficiently. It is always under scrutiny.

Shri N. B. Chowdhury: May I know whether the amount spent on the All India Khadi and Village Industries Exhibition in Delhi has been met from the handloom cess realised or from any other fund?

Shri Karmarkar: The supplementary is a little too late. We have passed that.

Mr. Speaker: If he has got the information, he may give it.

Shri Karmarkar: I should like to have the question repeated.

Shrimati Renu Chakravartty: Repeat it.

Babu Ramnarayan Singh *rose*—

Mr. Speaker: Order, order. Babu Ramnarayan Singh.

Babu Ramanarayan Singh: What are the steps Government are taking to encourage the sale of *khadi* so that there may not be any accumulation after production?

Shri Karmarkar: One of the principal measures, as my hon. freind doubtless knows, is that we subsidise the sales of *Khadi* of all sorts by giving to the consumer a three-anna rebate on all sales of *Khadi*.

Shri T. N. Singh: May I know whether subsidies, loans or grants are given only to institutions which are recognised by the All India Spinners' Association?

Shri Karmarkar: To institutions recommended by the All India Khadi and Village industries Board.

BISCUITS

***2032. Shri L. Jogeswar Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total production of biscuits in the country in 1953;

(b) whether the production is sufficient to meet the internal demands;

(c) whether biscuits manufactured in India are exported to foreign countries; and

(d) if the answer to part (c) above be in the affirmative, how much annually and of what value?

The Minister of Commerce (Shri Karmarkar): (a) During 1953, the organised units produced 10,830 tons of Biscuits.

(b) There has been no precise estimate of the demand for biscuits.

(c) Yes, Sir.

(d) Information is not available, as exports of biscuits are not shown as a separate item in the existing classification of trade Statistics but are grouped together under the heading "Provision and Oilman's Stores".

Shri L. Jogeswar Singh: May I know if there has been a complaint from the biscuit manufacturers here about the large imports of foreign biscuits, and if so, what protection has been given to this industry so that it may not suffer owing to competition from foreign manufacturers?

Mr. Speaker: Has the question been followed?

Shri Karmarkar: I followed the latter portion, about protection, but not the earlier portion.

Mr. Speaker: Have there been complaints by the indigenous on account of the import of biscuits?

Shri Karmarkar: We have not received any complaint, and it has not been thought proper to grant protection because protection does not appear to be justified.

Shri L. Jogeswar Singh: May I know whether any assistance, financial or other, has been given by Government to the Indian manufacturers?

Shri Karmarkar: I do not think that financial assistance has been given nor does it seem to be necessary.

Shri Joachim Alva: Government is aware that Indian companies, owned and run by Indians, produce quality biscuits like Parles, Mangaram, Shangrila. Do Government propose to give any facilities to foreign companies like Huntley Palmers in the manner in which they have given preference to Remingtons over Godrej and to Coca Cola as against Gluco Cola?

Shri Karmarkar: It is a tendentious question.

Shrimati Renu Chakravartty: What is the amount that is imported from abroad?

Shri Karmarkar: I can give the figures.

Year	Quantity	Value
1949-50	23,710 cwts.	Rs. 45,15,473
1950-51	1,991 ,,	Rs 2,31,3
1951-52	3,824 ,,	Rs. 9,01,70

Shri Bansal: The hon. Minister said that he had no information about the export of biscuits because they are not given in our export statistics. These figures can be made available if a reference is made to the Director-General of Commercial Intelligence. I want to know from the hon. Minister whether when notice of this question was given he tried to obtain this information? Because, when a question for information is asked on the floor of the House it is evident that it is not available from statistical sources and it is the duty of Government to supply this information even though it means slight trouble to them to refer to the various departments.

Shri Karmarkar: If it means slight trouble we are always to oblige. But our friend knows our working. No doubt, our commercial statistics do require a little improvement in this direction. As a matter of fact, what we do when a question like this is tabled is this. We ask for information from the Director of Commercial intelligence and if he has ready material he sends it. Otherwise, my friend can easily appreciate what trouble it is to ask the customs authorities to go through all the original invoices etc.

WATER-TAPS

***2033. Shri Ganpati Ram:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total number of factories and cottage industry concerns in India which manufacture water-taps;

(b) whether India is self-sufficient in water-tap production;

(c) whether there is any export of water-taps; and

(d) the total quantity required for internal consumption and its value?

The Minister of Commerce (Shri Karmarkar): (a) Precise information is not available.

(b) Yes, Sir. Reported to be so in respect of ordinary types.

(c) and (d). Precise information is not available. There are no restrictions on the export of water taps.

श्री गणपति राम : क्या मैं जान सकता हूं कि इस उद्योग के विकास के लिए सरकार ने क्या क्या कदम उठाये हैं ?

श्री करमरकर : अभी तक तो हमने कोई क़दम नहीं उठाये हैं लेकिन अगर आवश्यकता होगी तो उठायेंगे ।

श्री गणपति राम : क्या मैं जान सकता हूं कि जो इन्डस्ट्रीज़ यह काम कर रही हैं उनके लिए सरकार की तरफ़ से कोई आर्थिक सहायता या क़र्ज़ दिया गया है ?

Shri Karmarkar: I have no information on that point, but, if the hon. Member can bring to our notice any specific case where it is necessary and relevant, we shall certainly consider it.

GIRIDIH COLLIERIES

*2034. **Shri Nageshwar Prasad Sinha**: (a) Will the Minister of **Production** be pleased to state whether the target of raising 8,000 tons of coal from Khandiha Seam in Giridih Collieries has been reached?

(b) If not, what is the present output?

(c) What system has been adopted to dispose of as much quantity of this coal as possible locally?

(d) Is it a fact that the entire quantity of coal meant for local sale is given to a single contractor without calling for tenders?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) No.

(b) The present output is about 4,000 tons per month. Attempts are being made to raise it further but the increase in output depends on the disposal of the inferior quality coal.

(c) and (d). For local sale of coal, a Coal Depot has been opened at Giridih by a licencee of the Bihar State Government under the Bihar Coal Control Order. As the retail sale is carried out by the licensed Depot holder and not through any contractor, the question of calling for tenders does not arise.

Shri Nageshwar Prasad Sinha: I could not follow how the retail sale is made.

Shri R. G. Dubey: What I said was that under the Bihar Coal Control Order, the Bihar Government have given a licence to a certain individual and he is in charge of the local sales.

Shri Nageshwar Prasad Sinha: May I know whether any contractor is working within the central limits of the Giridih collieries on behalf of the Government of India and whether he stocks the coal that is produced in these mines on the pitheads and then sells locally to other dealers?

Shri R. G. Dubey: I believe so far as the Giridih colliery is concerned, there is no question of an intermediary or agency. The Government directly supply to the local man in charge and it is difficult to say how he organises the local retail sales. There is no contract system; but the licence system is introduced in this case.

Shri Nageshwar Prasad Sinha: Am I to take it from the answer given that the coal produced there is generally given over to those contractors or those dealers who are appointed by the Government of Bihar only?

Shri R. G. Dubey: That is exactly so.

ASSISTANCE TO MYSORE

*2035. **Shri N. Rachiah**: Will the Minister of **Planning** be pleased to state:

(a) the total financial assistance given to the Mysore State under the Five Year Plan so far; and

(b) whether the specified amount has been spent during the said period?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 71].

Shri N. Rachiah: It is stated in the statement that information pertaining to 12 out of the 16 items is not available. May I know the reason why this information is not available when the grants are made to the State Government?

Shri Hathi: These subjects are dealt with, as can be seen, by different Ministries. For example, cottage industries, National Malaria control, Industrial Housing, Single Teacher Schools, Rehabilitation, all these are dealt by different Ministries, and it will take some time before we can collect the information from them.

Shri N. Rachiah: May I know what is the progress made under each item of this statement?

Shri Hathi: So far as these two items are concerned, namely, Loan Assistance from Special Development Fund and the Grow More Food schemes, it will be seen that the whole amount has been spent under the first and under the second out of Rs. 373 lakhs. Rs. 197.83 lakhs have been spent. The progress regarding other items is to be ascertained from the other Ministries.

Shri Basappa: May I know whether the Government is aware of the assurance given by the hon. Mr. Kidwai while inaugurating the Malnad Conference that more assistance will be given to the Malnad development and, if so, what action has been taken by the Government to implement this assurance?

Shri Hathi: That will be considered when the matter comes before the Planning Commission.

Shri Thimmaiah: In addition to the amount sanctioned in the Five Year Plan, has any more amount been given to the Mysore Government on representation?

Shri Hathi: Rs. 3 crores have been sanctioned for the Bhadra works.

आल इण्डिया रेडियो

***२०३८. श्री नवल प्रभाकर :** क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) आल इण्डिया रेडियो ने १ सितम्बर, १९५२ से ३१ अगस्त, १९५३ तक छूतछात मिटाने सम्बन्धी प्रचार के लिये कितने प्रोग्राम प्रसारित किये ; और

(ख) ये प्रोग्राम कितनी भाषाओं में तथा किन किन केन्द्रों से प्रसारित किये गये ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) 41.

(b) A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 72.]

श्री नवल प्रभाकर : मैं माननीय मंत्री जी से जान सकता हूं कि क्या इस में से कुछ प्रोग्राम देहाती लोगों के लिए भी किये गये थे ? क्या दिल्ली केन्द्र से भी इस तरह के कोई प्रोग्राम किये गये, और यदि नहीं किये गये तो क्यों नहीं किये गये ?

डा० केसकर : अछूतोद्धार के लिए हर स्टेशन से कुछ न कुछ देहाती प्रोग्राम किये गये हैं । अब मैं यह नहीं कह सकता कि इस में कितने देहाती प्रोग्राम के हैं और कितने मामूली टॉक्स हैं ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं, जैसा कि विवरण में दिया गया है, कि दिल्ली से और कुछ अन्य केन्द्रों से अंग्रेजी में इस तरह के प्रोग्राम किये गये, इन का क्या उद्देश्य है ?

डा० केसकर : इनका उद्देश्य यह है कि अभी अंग्रेजी के समझने वाले कुछ लोग हैं और अभी तक हमारे यहां अन्तरप्रान्तीय भाषा अंग्रेजी है। इसलिये कुछ कार्यक्रम अंग्रेजी में भी होना जरूरी है । यह मैं मानता

हूं कि ज्यादातर अंग्रेजी में करने से कोई फ़ायदा नहीं है ।

श्री पी० एल० बारूपाल : क्या माननीय मंत्री जी यह बताने की कृपा करेंगे कि जो छुआछूत मिटाने के विषय में आल इंडिया रेडियो द्वारा प्रोग्राम रखे गये थे क्या उनमें भाषण के अलावा अन्य प्रोग्राम किस प्रकार के थे !

Dr. Keskar: The statement is regarding all features regarding untouchability. Most of them are talks and a few are dialogues also.

श्री गणपति राम : क्या सरकार यह वाजिब समझती है कि अस्पृश्यता निवारण के लिए भी आल इंडिया रेडियो से प्रोग्राम प्रसारित किया जाय और महीने में एक बार जरूर किया जाय ?

डा० केसकर : अस्पृश्यता निवारण के लिए सरकार जितना अधिक से अधिक प्रोग्राम रख सकती है रखती है और इससे भी अधिक करना चाहती है ।

IMPORTED CASHEW-NUTS

***2040. Shri A. M. Thomas:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that manufacturers are not taking their supplies of raw cashew-nuts from importers;

(b) if so, the reasons therefor; and

(c) what will be the effect of such action on employment and on the export of processed nuts?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Enquiries made show that the manufacturers have been negotiating with the importers for satisfactory terms particularly in the matter of obtaining an allowance for supplies of defective nuts. While these negotiations are progressing substantial business in imported nuts is reported to have been done.

(c) The indigenous nuts are now already in the market. Exports are not likely to be affected.

Shri A. M. Thomas: May I enquire how much quantity is necessary for processing in India and how much out of it is met by internal sources?

Shri Karmarkar: About half and half; 50,000 tons either way.

Shri A. M. Thomas: May I know whether Government is aware that the processors have formed themselves into a syndicate and undertaken the purchase and distribution of cashew-nuts?

Shri Karmarkar: Yes.

Shri A. M. Thomas: May I enquire further whether any representation has been received from the syndicate for any financial assistance, and if so, what steps have Government taken?

Shri Karmarkar: I am not aware of any request for financial assistance, but I should like notice of the question.

Shri A. M. Thomas: May I know how many factories of processing have been closed down recently and whether there is any possibility of re-opening any of them in the near future?

Shri Karmarkar: I have not got the exact figures of factories that have been closed down, but we do know that on account of the attitude of the Bombay importers, certain factories chose to resist buying from them, and, therefore, they lessened their production, but now it is understood that the indigenous production of cashew-nuts in kernel is 50,000 tons, and that 18,000 tons of imported quantity has been lifted. So, the factories should now be in production.

Shri N. Somana: In view of the fact that this is a dollar-earning industry,

I should like to know what steps Government have taken to promootive production here.

Shri Karmarkar: I think the question may be addressed to the Food and Agriculture Ministry. In the meantime, I shall try to find out the information and advise the hon. Member.

Shri Kelappan: May I know if the factory-owners have asked for import licences, and if so, why?

Shri Karmarkar: It is a fact that some factory-owners have asked for their own import licences, but I should like to have notice in regard to the question as to how the matter exactly stands now.

CASHEW-NUT INDUSTRY

*2042. **Shri Achuthan:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether there was a decline in export earnings in 1953 as compared to 1952, for the Indian processed cashew-nuts and if so, by how much?

(b) Have Government sent or do they intend to send a special officer to the Travancore-Cochin State to enquire about the present condition of cashew-nut industry and to suggest steps to get over the crisis facing the industry?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. While there was an increase in quantity exported from 26,000 tons in 1952 to 28,000 tons in 1953, there was a decline in export earnings by Rs. 24 lakhs in 1953 as compared to 1952.

(b) During the end of the last year an officer of this Ministry was sent to the Travancore-Cochin State to make an on-the-spot study of the difficulties facing the cashew industry. Government are now considering ways and means to assist the industry.

Shri Achuthan: May I know how much was the fall in prices in the foreign market in 1953 per ton of processed cashew-nuts?

Shri Karmarkar: I am sorry I have not got the information.

Shri Achuthan: What steps have Government taken to popularise the export of processed cashew-nuts to Europe and America?

Shri Karmarkar: Actually, the export to America was less than what was expected, but we are hoping that the cashew-nut will continue to be more and more popular in the United States of America.

Shri Achuthan: How do the prices compare of imported cashew-nuts and indigenous cashew-nuts?

Shri Karmarkar: As I said in answer to a previous question, what happened was that the Bombay importers regulated the prices and, therefore, our manufacturers here could not got cashew-nuts at a uniform price. I cannot tell exactly how the prices of imported or raw cashew-nuts and prepared cashew-nuts in India compare.

Shri A. M. Thomas: In view of the difficulties experienced by the cashew-nut industry now, has the Government examined the recommendations of the Spices Enquiry Committee and tried to take immediate steps on the lines of those recommendations?

Shri Karmarkar: We shall take action as early as possible, and wherever relevant, we shall also take into consideration the recommendations of the Spices Enquiry Committee, if there are any.

Kumari Annie Mascarene: May I know whether Government have received information from cashew-nut industrialists that owing to the present crisis, lakhs and lakhs of people have been thrown out of employment?

Shri Karmarkar: The crisis, according to us, is improving.

VALUE OF STANDARD ACRE

*2043. **Shri Gidwani:** Will the Minister of **Rehabilitation** be pleased to refer to the answer to starred question No. 182 given on the 19th February, 1954,

regarding the value of standard acre and state what is the recommendation of the Advisory Committee?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): After considering all aspects of the question it has been decided to fix the value of the standard acre after available lands have been allotted to persons having claims for agricultural lands.

Shri Gidwani: Do I understand that no decision has been arrived at in regard to that?

Shri J. K. Bhonsle: Not yet.

FOUR-SPINDLE CHARKHA

***2046. Shri T. Subrahmanyam:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to the demonstration of a four-spindle charkha in the All-India Khadi and Village Industries Exhibition, Delhi;

(b) what is its average output of yarn per hour; and

(c) whether Government propose to popularise the same?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) About 1700 yards of yarn per hour.

(c) Government understand that there is some proposal under consideration by the All India Khadi and Village Industries Board.

Shri T. Subrahmanyam: May I know the approximate cost of the machinery?

Shri Karmarkar: The approximate cost is Rs. 100 for the spinning machine.

Shri T. Subrahmanyam: Is it under the contemplation of Government to manufacture *charkha* in Government institutes or workshop?

Shri Karmarkar: The matter is under consideration by the All India Khadi and Village Industries Board, and if they seek any assistance in the matter, we shall be very happy to give it.

Shri Thimmaiah: May I know whether one Mr. Jue Kurien, who has invented the smallest design of *charkha*, has approached the Ministry of Commerce and Industry for some grant and whether Government is going to give it?

Shri Karmarkar: I am not aware of this particular case, but if it comes before the Khadi Board, then certainly the matter will be considered.

Shri Balakrishnan: May I know whether Government will consider awarding any prize to the inventor of this improved design so as to encourage the public in making discovery of new designs of mechanical goods?

Shri Karmarkar: The Government will sympathetically consider the matter if it comes before them from the khadi Board.

CALCUTTA STATIONERY OFFICE

***2047. Shrimati Renu Chakravartty:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) when the shipping work of the Stationery Office was transferred to the Director-General of Supplies and Disposals, Calcutta; and

(b) the profit or loss (year-wise) thereon since the change over?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) From the 15th August, 1951.

(b) The shipping section of the Director General of Supplies and Disposals is not run on a commercial basis but the transfer has resulted in a saving of Rs. 8,000/- (approximately) per year.

Shrimati Renu Chakravartty: May I know the main reason for the change-over?

Sardar Swaran Singh: Actually, the Stationery Office was handling

the clearance work relating to all Ministries. The estimates Committee recommended that the Stationery Office should not handle work relating to other Ministries. Therefore, the work that was left in the hands of the Stationery Office was so small that it was considered that if it was transferred on to a bigger organisation, it would be better from the point of view of efficiency and would also result in a saving.

Shrimati Renu Chakravartty: As a result of the change-over, what are the figures of tonnage that have been handled by the D.G.S.D. as compared to those handled by the Shipping Department of the Stationery Office just preceding to the change-over?

Sardar Swaran Singh: I have got the figures for 1951 and 1952. The over-all agency charges paid to the clearing agents at Calcutta in 1951 were Rs. 22,500 and in 1952, Rs. 19,700. I have not got the figures in regard to the tonnage for these years.

Shrimati Renu Chakravartty: May I know what happened to the personnel of the Shipping Department of Stationery Office? Have they been transferred and integrated to the D.G.S.D. or have they been given alternative appointments elsewhere?

Sardar Swaran Singh: This matter is three years old. Only a few hands were found surplus at the time of the transfer, but I have not got any information at the moment as to what happened then.

PASSAGE CERTIFICATES TO MALAYA

***2048. Sardar Hukam Singh:** Will the **Prime Minister** be pleased to state:

(a) the number of Indians who could get passages to Malaya during 1953-54; and

(b) whether "No Objection Certificate" for particular sailing is still being issued?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) During 1953: 46,497.

During 1954 upto 31st March: 4,447.

(b) Owing to the fall in traffic consequent on the enforcement of new Immigration Regulations in Malaya, there is no longer any difficulty in getting passages and the system of issuing No Objection Certificates valid for particular sailings has been dispensed with.

Sardar Hukam Singh: What was the number of Indians that could find entry into Malaya since the introduction of the system of passage certificates to Malaya

Shri Anil K. Chanda: During the last three months, as I said, the number was 4,500, roughly speaking.

Sardar Hukam Singh: May I know whether this figure of 4,500 includes those who were stranded there because of the introduction of the immigration certificate, and whether any fresh Indians could go to find entry under these conditions?

Shri Anil K. Chanda: Yes, fresh Indians can go, provided permission is secured from the Malaya Government beforehand.

Shrimati Renu Chakravartty: In view of the fact that we do not need any entry visas for Commonwealth countries, the hon. Minister said that there is no difficulty for entry of Indians into Malaya. Are we to take it that the rule which prevails in Malaya prevails in every Commonwealth country, and there are still certain restrictions?

Shri Anil K. Chanda: These regulations differ from country to country. Pakistan, for instance, is a Commonwealth country, but a passport or visa is required for entry into that country.

Shri N. L. Joshi: May I know the number of Indians who were refused passage to Malaya and why?

Shri Anil K. Chanda: I would ask for separate notice.

FOLK MUSIC IN A.I.R.

*2049. **Shri D. C. Sharma:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that a programme of folk music was arranged by the A.I.R. on the 29th January, 1954;

(b) if so, the names of States which took part in the programme; and

(c) whether there is any proposal to have similar programmes in future?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) 1. Ajmer.
2. Assam.
3. Bombay.
4. Madhya Pradesh.
5. Manipur.
6. PEPSU.
7. Saurashtra.

(c) Yes, Sir. It is planned to have periodically folk music programmes from various States in the national programme of All India Radio. The next programme will give folk music from Punjab and Kashmir.

I may add that folk music programmes take place from all the stations of the All India Radio.

Shri D. C. Sharma: May I know if any attempt is being made to revive some of the neglected types of folk music?

Dr. Keskar: An effort is being made to find out certain forms of folk music which are dying out and to revive them. But that is a kind of work which requires some time and an effort is being made very strenuously to revive this type of music.

Shri D. C. Sharma: May I know whether any attempt is being made to preserve in a more or less permanent form these types of folk music which are broadcast?

Dr. Keskar: Sufficient amount of folk music has been broadcast. When the question of classifying it and keeping it in some permanent shape arises, I will keep the suggestion of my hon. friend in mind.

श्री भक्त दर्शन : क्या में जान सकता हूं कि हिन्दी की जो भाषायें हैं जैसे राजस्थानी, मैथिल भाषा आदि, उन के लोक गीतों के प्रसार की भी कोई नियमित व्यवस्था की गई है ?

डा० केसकर : हिन्दी की जो अलग अलग बोलियां हैं उन में जो लोक गीत हैं, उन सब को सब स्टेशनों से ब्राडकास्ट नहीं किया जा सकता है, लेकिन जिन प्रान्तों में यह भाषायें बोली जाती हैं, उन के स्टेशनों से वह जरूर ब्राडकास्ट किये जाते हैं, जैसे बिहार से मैथिली के लोक गीतों को नियमित रूप से ब्राडकास्ट किया जाता है ।

Shri D. C. Sharma: May I know if any effort is being made to preserve some of the folk music which is to be found in the hill districts of our country?

Dr. Keskar: Sir, gathering and doing research work in folk music is a vast one, and though we are trying to gather as much as we can and our work in that direction is expanding, still it would be difficult to say to what extent we have been able to gather folklore of the hill side.

TEA EXPORTS TO BURMA

*2051. **Shri L. Jogeswar Singh:** Will the Minister of **Commerce and Industry** be pleased to state the total quantity of tea exported to Burma by land *via* Ledo and Moreh on the Indo-Burma frontier from January, 1953 to the date up to which figures are available?

The Minister of Commerce (Shri Karmarkar): Exports of tea to Burma by land from January 1953 to 15th March 1954:—

Via Ledo	—	Nil
Via Moreh	—	98,682 lbs.

Shri L. Jogeswar Singh: May I know whether Government are aware of the fact that large quantities of tea are being smuggled to Burma, avoiding payment of customs? If so, what steps do Government propose to take to check smuggling on the Indo-Burma border?

Shri Karmarkar: I have no information at present on the smuggling activities. If the hon. Member has any particular information, we should much value it.

ROADS IN COAL-FIELDS

***2052. Shri Nageshwar Prasad Sinha:** (a) Will the Minister of Production be pleased to state whether the attention of Government has been drawn to the neglected condition of the different roads in Bokaro and Bermo Coal-field areas?

(b) How many miles of road are required to be maintained by Government within the colliery zone?

(c) What is the amount spent on their maintenance annually?

(d) Is there any scheme to improve the existing roads or build new ones in the labour colonies?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) No. The roads in Bokaro and Bermo Coalfields areas are not neglected though they cannot be said to be wholly satisfactory.

(b) and (c). Bokaro and Kargali State Collieries maintain about 13 miles of road within the colliery zone at a cost of about Rs. 1,500/- per annum. As regards other state collieries, information is not readily available.

(d) At Kargali State colliery a scheme has been prepared to provide roads connecting all labour quarters with the main roads. Steps are also being taken to improve the roads to labour colonies where they are necessary.

Shri N. M. Lingam: May I know the annual cost of maintaining these roads?

Shri R. G. Dubey: The cost of maintenance of Kargali State colliery roads is Rs. 500 and that of Bokaro roads Rs. 1000.

सरदार ए० एस० सहगल : क्या मैं जान सकता हूं कि बोकारो और बरमो की कोयले की खदानों और दूसरे प्रान्तों में जो कोयले की खदानें हैं उन के मार्गों की व्यवस्था एक ही जैसी है ?

Mr. Speaker: It is going beyond the scope of the question.

Shri P. C. Bose: May I know whether it is the Government or the Hazaribagh Mines Board which is responsible to build and maintain roads in this area?

Shri R. G. Dubey: The position is like this. So far as the Bokaro colliery area is concerned there are seven miles of road length to be maintained by the colliery authorities, whereas two miles of road length are maintained by the Hazaribagh Mines Board.

सुपारी के आयात के लाइसेंस

***२०५३. श्री रघुनाथ सिंह :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३–५४ में सुपारी के आयात के कितने लाइसेंस कितने व्यक्तियों या फर्मों को दिये गये ; तथा

(ख) किस प्रदेश में विदेशी सुपारी की खपत सब से अधिक है ?

The Minister of Commerce (Shri Karmarkar): (a) A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 73]

(b) Government have no information.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूं कि जो बीट्ल नट्स हिन्दुस्तान में इम्पोर्ट किये जाते हैं, उन की तादाद क्या है ।

Shri Karmarkar: The quantity for 1952-53 was 10·10 lakhs maunds from April 1953 to January 1954 it was 8·46 lakhs maunds and value Rs. 2 crores and 67.2 lakhs.

श्री रघुनाथ सिंह : जिन लोगों को आप ने लाइसेन्स दिये हैं, उन में से इनकमटैक्स देने वालों की संख्या क्या है ?

Mr. Speaker: How many of these licence-holders are liable to income-tax?

Shri Karmarkar: I am sorry I have no information on income-tax matters.

Shri B. K. Das: May I know whether for this year any ceiling on imports will be fixed?

Shri Karmarkar: My hon. friend knows that this year the import duty has been increased. In fact, we want to liberalise imports so that sufficient imports may come in.

Shri A. M. Thomas: In view of more than the usual margin that has been taken by import licencees as well as middlemen, which has been referred to by the hon. the Finance Minister himself during the discussion of the Budget, may I know what steps Government have taken in the matter.

Shri Karmarkar: As the hon. the Finance Minister himself stated on the floor of the House, this increased import duty will result in the elimination of this problem.

Shri M. D. Ramasami: May I know the conditions under which new-comers are licensed?

Shri Karmarkar: New-comers also will be licensed during the current period.

COAL EXPORT

***2055. Shri K. P. Sinha:** (a) Will the Minister of Production be pleased to state whether it is a fact that South Korea is not going to take its full requirements of coal from this country?

(b) If so, what is the reason?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) and (b). South Korea's requirements of coal were never met in full by Indian coal. While an order for supply of one lakh tons to Korea during 1954 by an Indian firm has so far been secured the prospect of exporting any larger quantity of Indian coal to South Korea during the current year does not appear to be quite bright. This is due to the improvement in world production of coal and the availability of coal to that country from nearby sources at a lower freight rate than for Indian coals.

Shri K. P. Sinha: May I know the extent of expected short-fall in our coal export to Korea?

Shri R. G. Dubey: In the year 1952 the export was of the order of 1,01,296 tons; as against that, in 1953 it was 2,00,206 tons.

Shri K. P. Sinha: Is it a fact that we have lost foreign markets like Korea? If so, has any attempt been made to revive them?

Shri R. G. Dubey: The statement is not quite correct because, we have not lost our normal markets of coal. The rise in export in 1952 was due to abnormal conditions which disappeared shortly. So far as the other aspect is concerned, the commercial change which came in the way of competition is removed and the other facilities are being extended to traders to have proper competition with the foreign markets.

BORDER INCIDENT

*2056. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that on the Indo-Pakistan western border Pakistani Police began firing on the 10th April, 1954, near the border village of Hugi Noor Mohammad and the exchange of fire continued for about 24 hours;

(b) if so, the circumstances that led to this firing;

(c) whether there was any loss of life; and

(d) how the matter now stands?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (d). A party of Punjab (I) Armed Police on their usual patrol of the border on the morning of 9th April, 1954, found a party of a large number of Pakistan Border Police and Pakistan nationals on Indian territory in the revenue limits of village Jhugian Nur Mohd in the Amritsar District. They also noticed that the Pakistanis had dug up a few *morchas* in this area. The Indian Police patrol asked the Pakistan Police and other nationals to withdraw from this area as it was Indian territory. The Pakistan Police refused to do so and took up positions in the prepared *morchas*. Another body of Pakistan Police which had also dug up *morchas* in Pakistan territory across the border then suddenly opened fire on the Indian party. The Pakistan Police force which had tresspassed into Indian territory also opened fire on the Indian patrol, who returned the fire in self-defence and sent a report of the attack to their senior Police officers who made several attempts to contract their Pakistani counterparts. The Pakistani authorities finally agreed at about 2 A.M. on the 10th April, 1954, to instruct their men to stop firing immediately and also to meet the Indian authorities on the spot at 8 A.M. on the 10th April, 1954.

Firing from the Indian side ceased at about 5 P.M. on the 9th April, 1954. The Pakistan Police, however, continued to fire indiscriminately throughout the night and the following morning.

There was no casuality on the Indian side. The senior Police officers of the two sides met at the spot on the 10th April, 1954, and as a result of their talks both Indian and Pakistan forces were withdrawn from the area.

Shri S. N. Das: May I know whether the land which was disputed by police of Pakistan was under dispute at any time previous to it?

Shri Anil K. Chanda: It was awarded to us by the Radcliffe Award but was in actual possession of Pakistan till 1949; since that time it is in our possession and our police patrol regularly visited that area.

Shri S. N. Das: May I know whether it is a fact that even after our senior Superintendent of Police's meeting with his counter-part in Pakistan and the Indian Police ceased fire, Pakistan continued firing and if so, what steps have been taken by the Government of Pakistan in this connection?

Shri Anil K. Chanda: I have said in my answer that we stopped firing at about 5 in the afternoon but they carried on till the next morning even though at 2 A.M. their senior officers agreed to cease fire from their side.

Dr. Ram Subhag Singh: May I know whether the morchas dug up by the Pakistan police in Indian territory are now completely under our control?

Shri Anil K. Chanda: Yes, Sir.

Sardar A. S. Saigal: May I know how many such instances have

taken place in the western border up till now, and what action Government is taking so that in future such occurrences may not occur?

Shri Anil K. Chanda: Is it from 1947 onwards? I would like to have notice.

Mr. Speaker: He must specify the time.

Sardar A. S. Saigal: In 1953 and 1954; up to April.

Shri Anil K. Chanda: I would require separate notice.

The Prime Minister (Shri Jawaharlal Nehru): I shall say that the border has been remarkably peaceful during this period and this conflict was, resolved without any injury.

ALWAYE FERTILIZER FACTORY

***2057. Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any programme for expanding the capacity of the Fertilizer Factory in Alwaye in Travancore-Cochin State; and

(b) if so, what are its features?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. A proposal to that effect was submitted to Government.

(b) Messrs Fertilizers & Chemicals Travancore, Ltd., propose to increase their annual capacity for ammonium sulphate from 46,000 tons to 75,000 tons by stepping up the production of ammonium capacity from 40 to 80 tons a day. Other nitrogenous fertilizers such as ammonium chloride and ammonium phosphate are also included in the expansion programme.

Shri D. C. Sharma: Is it not a fact that the production of fertilizers is already in excess of the quantity which is normally utilised by our cultivators?

Shri Karmarkar: The latest position is: in 1953 we produced 319,616 tons as against the estimated requirement of 300,000 tons. But our developmental programmes envisage that at the end of 1955-56, our estimated consumption will be of the order of about 600,000 tons.

Shri D. C. Sharma: May I know if the setting up of this factory is going to lower the price of fertilizers.

Shri Karmarkar: This factory is finding itself in difficulty because of the lower prices of Fertilizers from Sindri Fertilizers factory. By improving this, we hope that the price will come down slightly.

Shri D. C. Sharma: May I know what efforts are being made—systematic efforts—to make use of the by-products which are produced in these factories?

Shri Karmarkar: I think I may require notice.

Shri A. M. Thomas: May I know whether there are mounting stocks in this factory and whether the company has asked for any financial assistance from the Centre, and if so, what steps has the Centre taken?

Shri Karmarkar: The principal difficulty was about the selling price and recently Government have through the Food and Agriculture Ministry given some concession in respect of the price and an advance also—about Rs. 20 lakhs.

Shri N. M. Lingam: May I know the cost of Ammonium Sulphate produced at Alwaye and how it compares with the cost of the commodity produced at Sindri?

Shri Karmarkar: The Sindri's selling price was Rs. 288 per ton f.o.r. as against Rs. 365/- at Alwaye—I am subject to correction.

BURIED TREASURES IN PAKISTAN

*2058. **Shri L. Jogeswar Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that applications have been invited by the High Commissioner for India in Pakistan from displaced persons who have left buried treasures in West Pakistan, for the removal of the same;

(b) how many such applications have so far been received;

(c) whether any buried treasures have been recovered; and

(d) the steps so far taken to protect the places where treasures are believed to have been buried?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) 739.

(c) No.

(d) In order to avoid premature disclosure of the location of buried property, displaced persons have been advised not to reveal in their applications the name of the village, town or city but to mention only the name of the district where the treasures have been buried. Therefore, the question of protecting the places does not arise.

Shri L. Jogeshwar Singh: May I know how Government came to know that there were wealth treasures left in Pakistan?

Shri J. K. Bhonsle: We received applications from interested persons concerned about buried treasures in Pakistan.

Shri L. Jogeshwar Singh: May I know what measures have been taken by the Government for protecting those places that have been disclosed?

Shri J. K. Bhonsle: There is no question of protection. We have already told the displaced persons not to disclose the place where treasures are buried but just to give the name of the district. After the arrangements are finalised, the High Commissioners both at Karachi and Lahore will send for these persons and the correct locations will then be found out and necessary police protection will be given to dig out the buried treasures.

WRITTEN ANSWERS TO QUESTIONS

TEA EXPORT

*2031. **Shri Ramananda Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it has come to the notice of Government that all good quality Indian tea is shipped directly to London;

(b) whether it is a fact that Ireland is not getting proper supply of tea according to its requirements in Calcutta auctions and is therefore forced to resort to the London market; and

(c) what steps Government propose to take thereon?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) and (c). Ireland was understood to have experienced some difficulty in getting her requirements of tea in the Calcutta auctions in 1953. This was due to the fact that the production of the particular type of tea which Ireland generally purchase was low in 1953 as a result of the unfavourable climatic conditions. Owing to the uncertainty of direct requirements of Ireland judged from its low off-take in the previous years, the bulk of available supplies was sent to U. K. Such a situation is not likely to be repeated.

MAITHON AND PANCHET DAMS

*2036. **Shri Vallatharas:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the sites on which the Maithon and Panchet Dams are to be built by the D. V. C., were examined

by geologists and their opinions obtained;

(b) if not, the reasons therefor;

(c) when the work of laying the concrete foundation at Maithon is scheduled to start; and

(d) the reasons for the delay in the commencement of the work?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) Does not arise.

(c) The work was started on the 12th Feb., 1954.

(d) Non-receipt of certain essential Machinery and spare parts in time, from foreign countries.

IMPORT LICENCES FOR BICYCLE PARTS

***2037. Shri B. N. Misra:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the sale of bicycle parts imported under the Actual User's licence to others in the market is prohibited?

(b) Are Government aware that such sales are taking place?

(c) If the answer to part (b) above be in affirmative, what action have Government taken against those firms who are violating the conditions of the Actual User's Licence?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) and (c). Some complaints were received about the sale of cycle parts by manufacturers but the charges could not be established.

EXPEDITIONS TO HIMALAYAN PEAKS

***2039. Shri H. G. Vaishnav:** Will the **Prime Minister** be pleased to state:

(a) whether the various foreign expeditions attempting to climb the Himalayan Peaks are required to take prior sanction of Government; and

(b) if so, on what conditions such sanction is granted?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) If the peak to be climbed is in Indian territory, the permission of the Government of India is necessary.

(b) Applications are considered generally from the point of view of security. Where permission is given. it is usually on the condition that the 'Inner Line' will not be crossed.

D. V. C.

***2041. Shri K. C. Sodhia:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the total purchases made by the D. V. C. during 1953-54;

(b) how much of this was made through Directorate-General of Supplies and Disposals and how much direct; and

(c) the value of indigenous products purchased?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Rs. 5,36,36,083/-.

(b) (i) Through D. G. S. & D. Rs. 87.74,423/-.

(ii) Direct Rs. 3,91,38,562.

(iii) Through other Govt. agencies *e.g.* Railway Disposals, Deputy Controller of Printing and Stationery and Iron & Steel Controller—Rs. 57,23,098/-.

(c) Rs. 1,64,34,190/-.

INDIAN STANDARDS INSTITUTION

***2044. Shri Telkikar:** Will the Minister of **Commerce and Industry** be pleased to state what is the annual expenditure of the Indian Standards Institution?

The Minister of Commerce (Shri Karmarkar): A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 74.]

BORDER INCIDENT

***2045. Shri M. Islamuddin:** Will the **Prime Minister** be pleased to refer to the written answer to the Starred Question No. 694 asked on the 7th December, 1953 and state:

(a) whether any joint enquiry has been held by the District Magistrates of Purnea and Dinajpur on the border incident which occurred on the 2nd November, 1953;

(b) if so, the findings of the enquiry;

(c) whether any action has been taken to punish the culprit; and

(d) whether any compensation has been given to the relatives of the victims?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (d). A joint enquiry was held by the two officers on the 29th January, 1954. No agreed decisions were, however, reached as the District Magistrate, Dinajpur, wanted time to study the evidence for submission of his findings to the Government of East Bengal.

In his protest to the Government of Pakistan, the Indian High Commissioner has requested that Government to take immediate steps to punish the culprits and to arrange for the payment of adequate compensation to the heirs of the Indian national who was killed by the Pakistani Policemen. Meanwhile, the Government of Bihar have granted some financial relief to the family of the deceased.

Our High Commissioner at Karachi has been asked to press the Government of Pakistan for an early reply.

CALCUTTA TEA AUCTIONS

***2050. Shri Ramananda Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Indian broker firms of Calcutta tea auctions are not getting any support from the European-managed gardens which produce nearly 80 per cent. of the tea in the country; and

(b) if so, what measures Government propose to take to safeguard the interests of the Indian firms?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Some representations have been received that the Indian broker firms at Calcutta are not getting substantial selling support from tea gardens. Although this is primarily a matter which the brokers concerned should take up with the tea gardens direct, Government are watching the situation.

CARBON BLACK

***2054. Shri K. C. Sodhia:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total number of Industrial units engaged in the manufacture of 'Carbon black' in the country and their approximate output during 1953-54; and

(b) what is the total requirement of this article in the country and its total import during the same period?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Only one unit. Its output during 1953-54 was 198,476 lbs.

(b) About 10 million lbs. per annum. Import statistics are not separately recorded in the Sea-borne Trade Accounts.

MYSORE LEATHER INDUSTRY

438. Shri N. Rachiah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any financial aid was sanctioned by the Centre to Mysore during 1953-54 for the leather industry; and

(b) if so, what is the amount?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Rs. 47,300/-

STAFF OF COFFEE AND RUBBER BOARDS

439. Shri Mathew: (a) Will the Minister of **Commerce and Industry** be pleased to state whether free medical facilities are provided to the staff of the Coffee Board and Rubber Board, as in the case of other statutory bodies?

(b) If not, do Government propose to provide them?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir.

(b) The matter will be examined.

IMPORT OF SEDIUM SULPHIDE

440 { **Shri A. K. Gopalan:** **Shri V. P. Nayar:**

(a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that imports of Sodium Sulphide during January/June, 1954 is prohibited by Government?

(b) What is the reason for prohibiting the import in the current half year?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir. But Actual Users can import this item for their own consumption.

(b) The partial restriction is to help indigenous industry.

CLOTH

441. Shri S. N. Das: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of cloth available for consumption in India, excluding exports during the years 1951-52, 1952-53 and 1953-54 (upto 31st December, 1953), giving separate figures for

(i) net imports,

(ii) mill production, and

(iii) handloom and khadi production; and

(b) the quantities of cloth that were exported from India during the period?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 75]

Dhoty QUOTA FOR MILLS

442. Th. Lakshman Singh Charak: Will the Minister of **Commerce and Industry** be pleased to state the quota fixed for the mills under Section 3 of the Dhoties (Additional Excise Duty) Act No. 39 of 1953?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The total quota for the mills comes to about 144.1 million yards per quarter.

SALT PRODUCTION IN MADRAS

443. Shri Muniswamy: Will the Minister of **Production** be pleased to state:

(a) the extent of land under salt production in the State of Madras during 1952, 1953 and 1954 as far as figures are available,

(b) the quantity of salt produced there during this period;

(c) the number of factories in this State;

(d) whether private individuals are undertaking the production of salt; and

(e) if so, in which places of the State?

The Minister of Production (Shri K. C. Reddy): (a)—

	Acres.	Cents.
1952 . .	7263	26
1953 . .	8284	67
1954 . .	8265	53

(b) 1952 1,21,98,000 mds.
1953 1,32,72,000 mds.
1954 5,37,000 mds.
(up to the end of February)

(c) 34 licenced factories.

(d) Yes. There is no Government salt factory in Madras State.

(e) A statement giving the information is laid on the Table of the House. [*See* Appendix VIII, annexure No. 76]

N.B. 1. The details given above and in the attached statement cover only the areas which form the present State of Madras. They do not take into account the areas which have gone over to Andhra .

2. The acreage and production figures in the answer to parts (a) and (b) cover only licensed factories. Accurate figures about unlicensed production and the area under unlicensed production are not available. A survey of unlicensed production has recently been undertaken but not completed as yet.

COIR PRODUCTS

444. Shri Achuthan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the comparative stock position of coir products in December 1952 and 1953;

(b) whether the export of coir products has improved in the latter half of 1953;

(c) if so, by how much; and

(d) the price level of the products during the first and second half of 1953?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 77]

(b) Yes, Sir.

(c) By 34,981 cwts. in quantity and Rs. 31.88 lakhs in value.

(d) During the first half of 1953, the price of coir mats and mattings fluctuated between Rs. 74-6-3 and Rs. 85-9-8 per cwt; in the second half of 1953, it ranged between Rs. 76-1-6 and Rs. 87-1-8 per cwt.

INDO-PAKISTAN TRADE

445. Shri Muniswamy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the commodities that were exported to Pakistan from India during March, 1954;

(b) what commodities were imported from Pakistan during the same month; and

(c) the value of goods imported and exported during the same period?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). Information is being collected and will be laid on the Table of the House in due course.

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

Acc. No. 2529
Dated 27.11.2

HOUSE OF THE PEOPLE

Monday, 26th April, 1954

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair.*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-15 A.M.

PAPERS LAID ON THE TABLE

RECONSTITUTION OF MADRAS PORT TRUST BOARD AND CALCUTTA PORT COMMISSION

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy of each of the following papers, in pursuance of an undertaking given by the then Minister of Transport during the discussion of the Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Bill on the 17th August, 1948:

(i) Ministry of Transport Notification No. 9-PI(250)/53, dated the 15th February, 1954. [*Placed in Library. See* No. S-125/54.]

(ii) Statement showing the redistribution of seats of elected commissioners on the Calcutta Port Commission. [*Placed in Library. See* No. S-126/54].

(iii) Ministry of Transport Notification No. 13-PI(124)/53, dated the 15th February, 1954. [*Placed in Library. See* No. S-127/54.]

(iv) Statement showing the redistribution of seats of elected trustees on the Madras Port Trust. [*Placed in Library. See* No. S-128/54]

ABSORBED AREAS (LAWS) BILL —*concld.*

Mr. Speaker: The House will now proceed with further consideration of the following motion moved by Dr. Katju on the 24th April, 1954, namely:—

"That the Bill to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded or partially excluded areas and which, on such commencement, were absorbed in certain States, as passed by the Council of States, be taken into consideration."

श्री जजवाड़े (संथाल परगना व हज़ारीबाग) : अध्यक्ष महोदय, परसों जब मैं इस बिल पर बोल रहा था तो इस बिल को लाते हुए हमारे गृह मंत्री डाक्टर काटजू ने हमें और सदन को बतलाया था कि यह एक बिल्कुल निर्विवाद बिल है और यह कौंसिल आफ स्टेट में पास हो चुका है और उन्होंने आशा प्रकट की थी कि यह एक मिनट में ही स्वीकार हो जायेगा । मैंने दुःख प्रकट करते हुए कहा था कि स्वतंत्रता प्राप्त होने के बाद और विधान

[श्री जजवाड़े]

की मंज़ूरी होने के बाद भी इस उपेक्षित ऐरिया को अभी भी उपेक्षित ही समझा जा रहा है और मेरी दृष्टि में स्टेटमेंट ग्राफ आब्जेक्ट्स में जैसा बतलाया गया है उसके अनुसार बिल नहीं बनाया गया है । महोदय, हम लोग जो इस देश के रहने वाले हैं इस नीति को मानते हैं :

हितं मनोहारि च दुर्लभं वचः

कोई हित की बात अप्रिय भी हो, या कुछ दुलर्भ भी प्रतीत होती हो, तो भी हमारे नीतिकारों ने बतलाया है कि :

स किं सखा यस्तु न शास्ति सोऽधिपं,
हितान्न यः संशृणुते स किं प्रभुः ।

वे सदस्य बुरे हैं जो सच्ची बात सदन के सामने नहीं रखते और वे शासक वर्ग भी बुरे समझे जाते हैं जो उन बातों को नहीं सुनते, हमारी तो यह मान्यता है । कानून की पेचीदा बातों को हम नहीं जानते, हम इस बात को मानते हैं कि इस देश में योग्यतम कानून हमारे अधिकारी वर्ग बनायें उनको इसका पूरा अधिकार है और साथ ही यह भी उचित है कि कानून के नियम और परिस्थिति के अनुसार उन पर आचरण करें, पर जो बात लोगों में स्वाभाविक रूप से रक्खी जाती है, उसे उसी प्रकार इनके सामने रख देने का काम हमारे जिम्मे है। महोदय स्टेटमेंट आफ आब्जैक्टस् में यह स्पष्ट बताया गया है कि

'it is considered necessary...'

अन्तिम लाइन पढ़े देता हूं । हमारे यहां जो भी कानून बनाया जाता है उसमें यह उल्लेख करना पड़ता है कि यह इस ज़िले के लिए लागू होगा या नहीं होगा । एक्सक्लूडेड और पार्शियली एक्सक्लूडेड ऐरिया कोई भी कानून उल्लेख किये बगैर उस ऐरिया में लागू नहीं होता । इसी केन्द्रीय शासन के जो कानून हैं उनको समान रूप से लागू करने के लिए गवर्नमेंट ने यह मंशा ज़हिर की :

"it is considered necessary that all Central laws should operate therein uniformly. The Bill seeks to achieve this purpose."

इस समानता के साथ जब यहां इस तरह के कानून लागू करने का विचार है तो मैं नहीं समझता कि केवल एक ही ला संथाल परगना के सिर्फ दो डिवीज़न में ही क्यों लागू हो । संथाल परगना के दो ही सब-डिवीज़न में क्यों लागू किया जाता है और क्या कारण है कि केन्द्रीय सरकार के सभी ला यूनिफार्मिटी के साथ समूचे भारत में क्यों नहीं लागू होते ? मेरे ख्याल से इस में एक वैधानिक बात भी आजाती है । विधान पास होने के बाद जहां लोकमत के आधार पर यह ऐलान किया गया है कि जनता के मौलिक अधिकार सम्बन्धी जो कानून बनाये जाते हैं, वे सब वर्गों के लिये समान रूप से लागू किये जायेंगे तो मैं पूछना चाहता हूं कि इस प्रान्त और इस वर्ग के लोग इससे क्यों वंचित रक्खे जाते हैं और इसी लिये मैं ने इस पर एक संशोधन भी दिया था और मैं समझता हूं कि यदि सरकार की और कोई मंशा न हो तो सरकार को बिना किसी संकोच के मेरे उस संशोधन को स्वीकार कर लेना चाहिये । मेरे ख्याल में सरकार के दिमाग पर अभी भी पुरानी बातों का ही असर विद्यमान है, वे समझते हैं कि ये पिछड़े हुए भूभाग के निवासी जिसमें २२ लाख की आबादी पांच हज़ार वर्ग मील के दायरे में फैले हुए हैं वह एक ऐसा हल्का है जो पिछड़े वर्गों के बाशिन्दों से भरा हुआ है । यह भ्रम जो अंग्रेज़ी सरकार ने हमारे अन्दर प्रवेश कराया उसे हम अभी भी ढोते जा रहे हैं । सभापति महोदय, मैं आपके द्वारा सदन को बतलाना चाहता हूं कि संथाल परगना का नाम भ्रमोत्पादक है क्योंकि संथाल परगने

के नाम से यह समझा जा सकता है कि वह ज़िला और वह हलका केवल सन्थाल लोगों का ही निवासस्थान है, ऐसी बात नहीं है। संथाल ही वहां के सर्व प्रथम आदिवासी हैं, ऐसी बात भी नहीं है। इतिहास आपको यह बतला देगा कि १७९० से लेकर सन् १८१० के काल में सन्थाल परगना में संथाल लोगों का प्रथम प्रवास हुआ और उस हलके में जहां जंगली इलाका था उसको साफ करके उन्होंने आबाद किया और सन्थाल लोग काफी परिश्रमी और उन्नतिशील थे और जब उन्होंने वहां पर प्रवेश किया तो उन्होंने अपने परिश्रम से उस इलाके को जो जंगली इलाका था साफ किया और उसको आबाद किया। अंग्रेज़ों ने अपने शासन काल में अपने स्वार्थ हेतु दामीन हलके में उनको रक्खा, उसी इलाके में उनका कंसट्रेशन कराया और केवल संथाल लोगों को उस इलाके में बसाया और अंग्रेज़ों ने अपनी उसी प्रसिद्ध नीति 'फूट डालो और शासन करो' की नीति उनके सम्बन्ध में अपनाई। अंग्रेज़ों ने उसी फूट डालने वाली और वर्ग संघर्ष को कायम करने की नीति अपनाई और वहां के आदि निवासियों और संथालों के बीच में द्वेष भावना का प्रचार करना आरम्भ किया और इस फूट डालने वाली नीति के बल पर अपनी हुकूमत को इस देशवासियों पर कायम रखना चाहा। आप जानते ही हैं कि सन्थालों की उन्नति के बारे में बहुत सी बातें कही गयीं लेकिन अंग्रेज़ी शासन काल में १५०, २०० वर्षों में उन्हें शिक्षित बनाने का कोई प्रयत्न नहीं किया और वह इलाका और वहां के बसने वाले केवल कुलियों के जमा करने का डिपो ही बन कर रह गया। अंग्रेज़ी शासन काल में हमने देखा कि वहां के लोगों को शिक्षित और सभ्य बनाने के नाम पर उस इलाके को ईसाई मिशनरियों का अड्डा बनाया गया और हमारे संथाल भाई जो चरित्र की दृष्टि से बहुत ऊंचे थे उनके चरित्र को भी गिराया गया। मैं आप से निवेदन करना चाहता हूं कि आप उस भ्रम में न रहें कि सन्थाल परगना केवल एक ऐसे वर्ग की जमात है जो कि बिल्कुल असभ्य और पिछड़े हुए हैं, मैं आपको और सदन को बतलाना चाहता हूं कि संथाल परगना की ख्याति पुराणों में मिलती है और यह हिन्दु संस्कृति का एक प्रसिद्ध स्थान रहा है और यहां का वैद्नाथ धाम विख्यात है। संथाल परगना पिछड़ा हुआ भाग नहीं है वह काफी सभ्य और प्रगतिशील रहा है।

Mr. Speaker: He need not go into the entire historical aspect.

श्री जजवाड़े : इस सब को बतला कर मैं तो यह सिद्ध करना चाहता था कि सन्थाल परगना पिछड़ा भाग नहीं है और उसकी सभ्यता काफी पुरानी है।

Mr. Speaker: That is all right. His amendment is that the law should be applied to the entire area. He can speak when the amendment is under consideration. He need not go into all those details now.

श्री जजवाड़े : मैं यह बता रहा था कि संथाल परगने के अन्दर जो कि पिछले समय में उन्नत रहा है, अभी तक इस एक्ट को लागू नहीं किया जा रहा है। राज महल सब-डिवीजन जो कि सभ्यता का शिरोमणि रहा है, उस में इसे लागू नहीं किया जा रहा है, जामताड़ सब-डिवीजन जो कि दामीन एरिया नहीं है, जहां बहुत कम संख्या में आदिवासियों का निवास है वहां, इस ऐक्ट को लागू नहीं किया जा रहा है। मैं नहीं समझता कि स्वाधीनता के बाद इस प्रकार से इस क्षेत्र की उपेक्षा करने का कोई कारण हो सकता है। जो मनोवृत्ति अंग्रेज़ों के सामने थी, अगर वह नहीं है, और मेरे विचार में अब वह नहीं है, तो समूचे हल्के को उन्नत बनाने के ख्याल से, जैसा कि स्टेटमेन्ट आफ आब्जेक्ट्स ऐंड रीजन्स में लिखा हुआ है, समस्त हल्के में इस विधान को लागू

[श्री जजवाड़े]

करना चाहिये । केन्द्रीय सरकार का कानून इस समस्त भूभाग पर लागू होने पर हम लोगों को आशा बंधेगी । मैं यह निवेदन करूंगा, आप ने, अध्यक्ष महोदय, मना किया, मैं आपकी आज्ञा की मानता हूं कि इस ऐक्ट का क्षेत्र सीमित है, लेकिन मैं यह चाहता हूं कि हमारे प्रधान मंत्री महोदय, हमारे गृह मंत्री महोदय, मन में इस बात को अच्छी तरह से जानें कि संथाल परगना अभी भी किस प्रकार उपेक्षित हो रहा है । मैं उन के मन में इस बात को बैठाना चाहता हूं और उन से अनुरोध करता हूं कि यदि स्वतंत्रता प्राप्ति के बाद संथाल परगने के प्रतिनिधियों के आप के पास रहने के बाद भी संथाल परगने की उन्नति न हो सकी तो जैसा कहा गया है कि रत्नाकर के पास रह कर भी अगर कोई दरिद्र रहता है तो उस में दोष उस मनुष्य का नहीं होता है, दोष रत्नाकर का है, इसी तरह से दोष संथाल परगने वालों का नहीं होगा । मैं निवेदन करूंगा कि आप उन की स्थिति को जानें और उन सब की तरक्की की चेष्टा करें । मैं समझता हूं कि आप उन की स्थिति को जान कर इस कानून को वहां पर ज़रूर लागू करेंगे । मैं इसी आशा से आप के सामने उन के प्रतिनिधि की हैसियत से आवाज़ उठा रहा हूं पहले उनके प्रतिनिधि नहीं थे, लेकिन अब मैं समझता हूं कि इस जिले से हम तीन प्रतिनिधि यहां मौजूद हैं, और तीनों ही एक स्वर से इस आवाज़ को लगायेंगे । मैं तो आप को विस्तार से सारी बात बताना चाहता था परन्तु शायद समय अधिक नहीं है, आप रोक भी दीजियेगा । यदि मौका मिला तो ऐमेन्डमेन्ट पेश करने के समय में कुछ कहूंगा । लेकिन इतना मैं जरूर कहना चाहता हूं कि यह काम बहुत अयुक्तिपूर्ण तरीके से किया जा रहा है और मेरे संशोधन को मान लेना चाहिये ।

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

SEARCH OF INDIAN COMMISSIONER'S OFFICE IN NAIROBI DURING ROUND-UP OF MAU-MAU SUSPECTS

Mr. Speaker: I have received notice, under Rule 215 from Shri Joachim Alva, calling the attention of the Prime Minister to the following matter of urgent public importance and requesting that he may make a statement thereon:—

> "The reactions of the Government of India in regard to the search of the Indian Commissioner's office during the mass round-up of Mau-Mau suspects during the last week."

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): This incident which took place the day before yesterday in Nairobi is of a very grave nature. I have not got the details, but such as I have, I shall place before the House. In the course of this so-called mass round up in Nairobi, troops entered our Commissioner's Office in Nairobi. The acting Commissioner was not present then, but there were other persons of the staff. Some of the members of the staff were manhandled, and one or two drawers, almirahs and the like were broken in, and all the African members of the staff were arrested and taken away. Subsequently, this matter was brought to the notice of the Acting Governor, and, to quote his own words, he offered his "most humble apologies" and said that he has ordered an immediate enquiry in addition to the one which was being conducted by the military. He said that the incident took place due to a serious omission in the instructions given to military forces that consulate premises should be respected, and this was being rectified. He also promised that priority in screening will be given to the detained African

staff. The next day, the Commander-in-Chief called in our Acting Commissioner and also offered his apology and promised to take necessary action.

Shrimati Renu Chakravartty (Basirhat): Have they been released?

Mr. Speaker: Order, order. No. questions.

Shri N. C. Chatterjee (Hooghly): What is the number of persons arrested, and have they been released?

Shri Jawaharlal Nehru: No Indian was arrested. The African employees were all taken away and, as I have just said, The Governor said that they have been taken away for what is called screening. They will be screened as rapidly as possible.

Shri S. S. More (Sholapur): Is it permissible?

Mr. Speaker: No questions.

ABSORBED AREAS (LAWS) BILL—*Concld.*

Mr. Speaker: Before we proceed with the next stage of the Absorbed Areas (Laws) Bill, I must invite the attention of the hon. Members to the allotment of time made by the Business Advisory Committee. We have today on the agenda, firstly, the Absorbed Areas (Laws) Bill, which is under consideration now, secondly, the Drugs and Magic Remedies (Objectionable Advertisements) Bill, thirdly, the State Acquisition of Lands for Union Purposes (Validation) Bill and then the Indian Railways (Second Amendment) Bill. For all these, the Committee, I believe, has allotted five hours, out of which we have already taken perhaps about half an hour till now. So, four and a half hours are left for those Bills, and I would request hon. Members to be very short in their speeches. The Absorbed Areas (Laws) Bill is of a formal or technical character and there is not much to be said about it. From what the hon. Member, Shri Jajware, was speaking, I think there is some misapprehension about the Bill. We need not go into all those details in which he was going. As will be seen from the Statement of Objects and Reasons, the object is to bring into uniformity all those areas in which certain laws of the Union Government are not in force today. It is not a question of excluding those areas but of bringing them into the Union. That is my understanding of it. If I am wrong, of course, the hon. Home Minister will correct the whole position.

श्री भक्त दर्शन (जिला गढ़वाल—पूर्व व जिला मुरादाबाद—उत्तर पूर्व) : अध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूं। मैं माननीय मंत्री महोदय से यह निवेदन करूंगा, जैसा कि आपने कहा है मुझे बहुत संक्षिप्त होना चाहिये, मैं केवल इतना निवेदन करना चाहता हूं कि यह जो कानून सारे भारत के विभिन्न राज्यों में लागू किया जा रहा है, यह इस भावना का प्रतीक है कि हमारी वर्तमान सरकार पिछड़े हुए इलाकों को अन्य उन्नत इलाकों के समकक्ष लाना चाहती है। मैं माननीय मंत्री जी से यह अनुरोध करूंगा कि इन कानूनों को जल्दी से जल्दी लागू किया जाना चाहिये और इसलिये मैं इस विधेयक का स्वागत करता हूं।

हमें इस बात का ध्यान रखना है कि जिन इलाकों में इन कानूनों को आप लागू करने जा रहे हैं, वहां की जनता कहां तक इन के लिये तैयार है और वह लोग अन्य इलाकों से पिछड़े रहने के कारण कितने पीछे रहे हैं, तथा उन की उन्नति करने का कहां तक प्रयत्न किया जाना है। हमारे गृह मंत्री जी, जो कि हमारे उत्तर प्रदेश के निवासी हैं और वहां मंत्री भी रह चुके हैं, वह जानते हैं कि जौनसार-बावर से मिले हुए जो जिले उत्तर प्रदेश में है वह पहले शैडयूल्ड क्षेत्र घोषित किये गये थे, लेकिन धीरे-धीरे, नये-नये कानून पास किये गये और उन जिलों को उन के

[श्री भक्त दर्शन]

अन्तर्गत लाया गया । केवल जौनसार-बावर का इलाका ऐसा है जो उस में नहीं आया था । मुझे बड़ी प्रसन्नता है कि जौनसार-बावर में भी नया कानून लागू किया जा रहा है ।

मैं सदन का समय अधिक नहीं लेना चाहता लेकिन मैं मंत्री महोदय से केवल इतना निवेदन करना चाहता हूं कि इस कानून को लागू करने के साथ-साथ यदि इन इलाकों के पिछड़ेपन को हटाने के लिये भी वे प्रयत्न करें यदि वे आर्थिक, सामाजिक और शिक्षा-सम्बन्धी सभी परिस्थितियों को समान रूप से उन्नत करने का प्रयत्न करें तो वहां की जनता इसके लिय उन की सदा आभारी रहेगी ।

[SHRI PATASKAR *in the Chair*]

इन शब्दों के साथ में सदन का अधिक समय न लेता हुआ इस विधेयक का स्वागत करता हूं और मंत्री महोदय को विश्वास दिलाना चाहता हूं कि जौनसार-बावर की जनता, जो इतने दिनों से पिछड़ी हुई है इन सुधारों का हृदय से स्वागत करेगी ।

Shri Sadhan Gupta (Calcutta—South-East): The apparent object of this Bill is to bring into uniformity the governance of the areas which were formerly not excluded or partially excluded areas and the areas which were excluded and partially excluded areas. We have no quarrel with this principle, but we have certain quarrels with the priority given to this Bill and also with some of the details of the Bill. Now, as to the priority, it seems very strange that an important Bill like the Removal of Untouchabilities Bill is allowed to stand over till the next session, or, God knows, till which session—while this Bill which is of comparatively minor importance has been brought forward in this session. That Bill is a small Bill, as far as we have been it. It was not likely to be a very long-drawn measure, and it could have easily been passed in this session. Article 35 of the Constitution provides that such a legislation will have to be enacted, as soon as may be, after the commencement of the Constitution. But it seems that even the lapse of four years is not covered by the term 'as soon as may be'. For three thousand years or more, this evil of untouchability has been in our country.

Shri N. M. Lingam (Coimbatore): On a point of order. The hon. Member is questioning the priority given to the consideration of this Bill, and proceeds to discuss the evil of untouchability. Is it in order? Is it within the scope of this Bill?

Mr. Chairman: I do not think the hon. Member is going to elaborate on that point. He just wants to make the point that the other Bill should have been brought earlier.

Shri Sadhan Gupta: I was only discussing the policy of Government in relation to this Bill, and saying that this has been given an undeserved priority over a Bill which was much more important from the national point of view, and was enjoined by the Constitution itself.

The second quarrel that we have with the policy of the Bill is the indiscriminate way in which Central enactments have been extended. Now, take the case of the Bombay State. The Schedule, which refers to the Bombay State, extends, among other Acts, the Whipping Act, and the Police (Incitement to Disaffection) Act. It may be very desirable that excluded areas and partially excluded areas should be brought in line with the regularly administered districts, but we cannot concede that it is at the same time desirable to extend the vicious and repressive legislation promulgated by the British, to these areas, in order to make the uniformity more uniform. If the excluded and partially excluded areas have escaped from such repressive legislation as the Whipping Act or the Police (Incitement to Disaffection) Act, why not let them remain without these repressive Acts? Why

do you extend those abominations which the British had brought upon the other portions of India, into these areas, when they were not there before.

As for the Whipping Act, it provides for whipping even of juvenile offenders, which is, if I may say so, a barbarous punishment, and which is acknowledged as barbarous by the conscience of civilised society. As for the Police (Incitement to Disaffection) Act, it is provided there that whoever causes disaffection in the police has to undergo certain penalties. The term 'disaffection' has been judicially construed as lack of affection. There may be many measures of Government, which create dissatisfaction in the police, for instance, there may be dissatisfaction regarding low pay or dissatisfaction regarding uniform and so many other things. If that dissatisfaction is voiced, then there is supposed to be disaffection. That is the judicial construction of the word 'disaffection'. Even the explanation given to section 3 of the Police (Incitement to Disaffection) Act, is not of very great help in this respect. It says that acts of disapprobation of measures of Government, with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other actions of Government, do not constitute an offence under this Act, unless those acts are causing or are likely to cause disaffection. Disapprobation may be expressed, but if those acts cause or are likely to cause disaffection, then the person is brought within the penal provisions of this section.

Now, it is quite understandable that if some injustice is done to the police, and some mention is made of it, the reaction in the minds of the police force will not be affectionate towards Government. They will perhaps not be content with that particular aspect of governmental treatment. This would be disaffection. It is universally held in all democratic countries that what we should guarantee to government is not affection, but the loyalty of the people to the state itself, namely that the people may not be incited to overthrow government, by violent means. Disaffection is a much wider term, and it includes every conceivable dissatisfaction against Government. This kind of a thing we cannot accept. This kind of a law which was brought into being by the British, for repression of our national movement, should not be extended to these excluded and partially excluded areas. We can be no party to such extension, and we will oppose this extension.

Shri S. S. More (Sholapur): The first point that I want to raise, for the consideration of Government, is whether under the present constitutional provision, any enactment of the nature placed before the House is necessary. In the Statement of Objects and Reasons, section 92 of the Government of India Act has been mentioned. We all know that the Government of India Act is as dead as the Egyptian mummy. I do not understand the relevance of quoting section 92, because the Government of India Act, which was enacted in 1935, and which held some ground for some time, has been replaced now by the Constitution, and the Adaptation of Laws Orders, after the Indian Independence Act; and I believe there is no excluded or partially excluded area as such, now.

Under the Constitution, there is the Union List as well as the State List. Any enactment by Parliament will be automatically applicable to the States, if the particular matter regarding which legislation has been framed, comes under the Union List; or, if a particular aspect, which is under the State List, has to be legislated upon the State has every competence to legislate for that. The absorbed areas have now been completely absorbed, and they have become part and parcel of the States mentioned in the First Schedule, and if that be so, their exclusive existence has ceased to be a fact.

[Shri S. S. More]

I would also refer you to article 372, under which certain Acts have adapted. Article 372 reads:

> "Notwithstanding the repeal by this Constitution of the enactments referred to in article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority....".

In 1950, the President issued an Adaptation of Laws Order, under which all the Central Acts have been adapted, and their extension or application has been sufficiently comprehensive even to include these areas.

Take, for instance, the Whipping Act. Now, this Whipping Act, which was a consolidated measure in 1909, says: "This Act"—I am reading from sub-section (2) of section 1—"may be called the Whipping Act, 1909". "It extends to all the provinces of India inclusive of the Santal Parganas etc. etc." This was adopted by the Adaptation Order of the President. According to this Order, it extends to the whole of India except Part B States. If this Adaptation Order is still holding the field, then it extends to the whole of India excepting Part B States. If we go to the Schedule of the States that are mentioned—Bihar, Bombay, Orissa, Uttar Pradesh and West Bengal—all of them are Part A States. Now, take, for instance, the Whipping Act. It is supposed to be applicable to the Bombay State. That is my submission; it applies to all the territories which come under the Bombay State. Then let us compare the provisions of section 92 of the Government of India Act and find out whether there are any similar provisions under our Constitution. Section 92 of the Government of India Act laid down that whenever the Central Government passed any legislation, then as far as the excluded areas or part of them were concerned, the Governor could apply it by notification. But we have not got a similar provision; we have a distinct provision under article 244 read with Schedule Five, paragraph 5. Schedule Five, paragraph 5 says: 'Law applicable to Scheduled Areas'. Now, under this Constitution the expression is "Scheduled Areas" and not excluded areas.

> "Notwithstanding anything contained in this Constitution, the Governor or Rajpramukh, as the case may be, may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled area. . ."

So what is the difference between section 92 of the Government of India Act of 1935 and this particular provision? Under section 92, no Act could be applicable unless the Governor made a declaration by notification. But under this provision, application is automatic unless the Governor or the Rajpramukh by notification says 'This particular provision shall not be applicable to the Scheduled area'. Therefore, my submission is that under the provisions of the Constitution, the Adaptation Order, article 372 and paragraph 5 of Schedule Five, this Act has no relevance, is not necessary and is wrongly conceived.

Then I would like to raise another point. What are the Acts that are not applicable or that were not applicable under section 92 of the Government of India Act of 1935? Why this piecemeal legislation? Am I to understand from the Government that only these Acts mentioned in column 1 are not applicable to the absorbed areas and therefore their extension has to be undertaken by this sort of legislation? At least if there are any other Acts which also

were not originally applicable, Government should have come forward with a consolidated legislation making all Acts applicable which were formerly excluded under section 92 of the Government of India Act. But they particularly mention certain Acts. I do not see the propriety of extending only these Acts. Does it mean that out of certain Acts which are not applicable under section 92 or even under the constitutional provision as it is conceived by Government, only these Acts are selected for being extended to the absorbed areas? Even if that be so, I very seriously and with vehemence oppose the exension of the Whipping Act and the xtension of the Police (Incitement to isaffection) Act. My hon. friend, e Member for Calcutta South-East, . Sadhan Gupta, has already re-ed to the Whipping Act. I need dilate on it, but I may say that Whipping Act has been placed he statute-book by the Britishers bse they were keen on whipping tlpeople into submission. They wd the people to submit to all thtrocities and though they preter to be democrats, this was a relt their barbaric origin. So theought this particular legislation to the statute-book in order to whe people into submission and acceeir slavish fetters. But now that Congress Government is in powe believe that such measures which relics of barbarism, which are inn and cruel to the severest extent not to be there. But this is present to the absorbed areas have not taken primary educatithem; we have not taken land leon to them and given them sond in order to satisfy their langer. And what are we presentin with? We are presenting then lashes. Now, what is our expein the national movement? I ote the case of a person from um—you were there in the pro as a legislator—the case of olitical worker, Mr. Chavan. Hashed so mercilessly and severely that he succumbed to this whipping and then—I see Dr. Katju is nodding his head in an approving manner; I believe he is accepting....

The Minister of Home Affairs and States (Dr. Katju): Mr. Chairman, I object to this. Neither did I nod my head nor did I stand...

Shri S. S. More: I apologise to him. (*Interruptions*).

Mr. Chairman: The hon. Member was developing a good argument but by this reference to the hon. Minister he has spoiled it.

Shri S. S. More: I saw his head was shaking I thought it to be voluntary. But if it is due to age, I do not mind it. I was encouraged to make my comment because I felt that he was approving what I was saying.

Mr. Chairman : I would advise the hon. Member to concentrate more on his point than on references like this.

Shri S. S. More: Dr. Katju, by his nodding of head, was provoking me to make my comments about him.

Mr. Chairman: Let the hon. Member now proceed with his argument.

Shri S. S. More: I was referring to the case of one Mr. Chavan who was lashed to death, and when the Congress Government came into power in 1937, they appointed a Committee—a one-man Committee—under Mr. Lokur. Mr. Lokur went into all the facts of the incident and he came to the conclusion—now I speak from memory—that the whipping that Mr. Chavan was subjected to was merciless and it resulted in the death of that unfortunate political worker. So in the light of our own experience, in the light of different enquries and in the light of our own condemnations, this Whipping Act has no reason to exist, but in spite of that fact, Dr. Katju is allowing this pernicious measure to exist. Not only that. He is not able to give some economic relief to the absorbed areas. He is out to give this whipping present to

[Shri S. S. More]

all these absorbed areas. My submission is that I still expect that the Congress will be faithful to their previous declarations.

Dr. N. B. Khare (Gwalior): Never expect that.

Shri S. S. More: My friend, Dr. Khare thinks that I am too optimistic in that expectation. But, all the same, I do plead and make a serious appeal to the Congress; let them stand by their own previous declarations and their previous experience.

With these few words, I would say that as far as the constitutional position is concerned, the legal position is concerned, this Act is absolutely unnecessary. I need not quote the relevant article. All the Acts made by Parliament, all the Acts adapted by Parliament and all the President's orders become automatically applicable to all the areas, whether A, B or C, unless a particular part is excluded under the Order of Adaptation. This is my contention.

On other merits, at least the Whipping Act need not be extended. I know the Chief Minister of Bombay is very fond of such measures; but the Central Government should not be a party and supply him with the whip that he needs for teaching the people some lesson.

श्री हेमब्रोम (संथाल परगना व हजारीबाग—रक्षित—अनुसूचित आदिम जातियां): सभापति महोदय, मेरे दोस्त श्री राम राज जजवाड़े ने जो सुझाव दिया उस के विषय पर समर्थन कर में थोड़ा सा आप का ध्यान दिलाना चाहता हूं। बिहार में संथाल परगना डिस्ट्रिक्ट एक बहुत जंगली एरिया है। उस एरिया में रह कर हमने जमीन को अच्छी बनाया और खेती का इन्तजाम किया और बहुत सारे कामों को हम ने बढ़ाया। उस एरिया में बहुत ज्यादा आबादी आदिवासी बाशिन्दों की है। वह लोग वहां पर आज कल रहते हैं, उन के पहले वहां पर और पहाड़ी लोग भी थे जोकि जंगल और पहाड़ों में रहा करते थे। हम ने संथाल परगने की जमीन की तरक्की की है। इस एरिया को सेन्ट्रल गवर्नमेंट की ओर से शेड्यूल्ड एरिया बनाया गया। बाद में वह शेड्यूल्ड एरिया नहीं रहा और उसके ६ सब डिवीजन बना दिय गये। इन ६ परगनों में सिर्फ संथाली लोग ही नहीं हैं, उन में और भी बहुत जातियां रहती हैं। अभी हमको मालूम हुआ कि कौंसिल आफ स्टेट्स ने यह पास कर दिया कि इन ६ सबडिवीजनों में से दो ही पर (देवघर और गोड्डा) एक दूसरा कानून लागू होगा। हम इस बात का विरोध करते हैं। हम चाहते हैं कि हमारी सेन्ट्रल गवर्नमेन्ट और गृह मंत्री जी इस चीज की पहले जा कर ठीक से जांच करें। ब्रिटिश शासन के दिनों में वर्तमान कानून को उस एरिया में लागू किया गया था। उन्होंने उस की बाउन्ड्री निश्चित की। उस बाउन्ड्री को हमारी सेन्ट्रल गवर्नमेन्ट ने स्टेट गवर्नमेन्ट को हिदायत दे कर परिवर्तित किया। इस एरिया में हम आदिवासी लोग रहते हैं। आदिवासी की तमाम सुविधाओं के लिये पहले से बिहार गवर्नमेंट ने ध्यान दिया है। अब जो कानून लागू किया जा रहा है उस से आदिवासियों को बहुत तकलीफ मिलेगी, सेन्ट्रल गवर्नमेन्ट इस पर ध्यान दे। आज कल हमारी गवर्नमेन्ट है, पहले हमारी गवर्नमेन्ट नहीं थी इस लिये हमारी सुनवाई नहीं होती थी। उस समय मिशनरी लोग हमें तंग किया करते थे। जब से हमारी सेन्ट्रल गवर्नमेन्ट हिन्दुस्तान में हुई है उस वक्त से हम लोगों को कुछ बोलने का मौका मिला। हमारी गवर्नमेन्ट को हमारी सुविधाओं का ख्याल रखना चाहिये। हमारे यहां आज भी कोई सिविल रूल नहीं है। मेरे डिस्ट्रिक्ट में अब भी एक दूसरे की खरीद फरोख्त पर मनाही है। इसीलिये

आज तक हम लोग सुखी रहे हैं। हमारे यहां अब तक कोई सुधार का काम नहीं हुआ है। पहले तो हमारे यहां ब्रिटिश गवर्नमेन्ट ने पढ़ना लिखना नहीं सिखाया। अब तो चूंकि हमारी गवर्नमेन्ट हो गई है, इसलिये हमें मौका मिल रहा है और स्कूल आदि भी खोले जा रहे हैं। हम लोगों को शिक्षा भी मिल रही है और आगे चल कर हम सभी कुछ सीख सकेंगे, अभी तक तो हम लोग कोई कागज तक पढ़ नहीं सकते थे इसी लिए जो विधान होते थे उन को हम समझ नहीं पाते थे। वहां आज कल भी वही हालत कुछकुछ चल रही है जैसे कि अंग्रजों के राज्य में चला करती थीं। वहां अब भी मिशनरी लोगों का जोर है और इस के लिये अभी तक कोई इन्तजाम नहीं किया गया, इस के लिए कुछ न कुछ इन्तजाम जल्दी ही करना चाहिये। मिशन वाले काफी रुपये वाले लोग हैं और जो आदमी अशिक्षित हैं उन के बीच में रुपया डाल कर ऐसे लोगों को भुला भटका कर अपना प्रोग्राम पूरा करते हैं। हम लोग तो अभी भी पुरानी ही रीति से रहते हैं। राम चन्द्र के युग में जिस प्रकार धनुष वाण लोग रक्खा करते थें उसी प्रकार से हम लोग भी रखते हैं और आप जा कर देख सकते हैं कि तीर धनुष ले कर हम लोग शादी विवाह तक करते हैं। हम लोगों के पिछड़ेपन से फायदा उठा कर मिशनरी लोग हमें क्रिश्चियन बनाने का प्रयत्न करते हैं। हमारी गवर्नमेंट ने क्यों उन लोगों को वहां पर आजाद छोड़ दिया है यह मेरी समझ में नहीं आता है। स्टेट गवर्नमेन्ट उन को कंट्रोल नहीं कर सकती है सेन्ट्रल गवर्नमेन्ट के साथ हम लोगों का कनेक्शन है इस लिये सेन्ट्रल गवर्नमेन्ट को इस का इन्तजाम करना चाहिये।

10 A.M.

हम लोग हमेशा अपने जंगलों और झाड़ों की रक्षा किया करते थे, लेकिन फारेस्ट डिपार्टमेन्ट के लोगों ने सब कुछ खराब कर दिया। उन को इस की आजादी मिली है कि वह अपने हाथ से मुहर लगा कर जिस को चाहें ब्लैक मार्केट से गाछ को बेच देते हैं लेकिन यदि हम लोगों को खेती के लिये चार हाथ के टुकड़े की दरकार हो तो हम लोगों पर जुल्म किये जाते हैं, और हम को जेल में जाना पड़ता है। मैं बहुत दुःख के साथ यह बात आप के सामने कहता हूं। इस लिये हमारे गृह मंत्री महोदय या हमारे प्रधान मंत्री स्वयं जा कर वहां पर देखें और मीटिंगें करें और जांच करने के बाद जैसा कानून ठीक समझें वैसा बना दें, इस में हमें कोई एतराज नहीं है। जांच करने के बाद जैसा भी कानून सेन्ट्रल गवर्नमेन्ट बनायगी हम उस को मानने को तैयार हैं। हम लोग वहां के रहने वाले हैं हमारी हालत को हमारे बीच में जा कर ही उन को देखना चाहियें। जहां पर आदिवासियों की मैजारिटी है वहीं पर जा कर उन को पता चल सकता है कि उन की क्या हालत है। चूंकि वह लोग संथाली भाषा बोलते हैं इस लिये वहां पर जो मैथिली भाषा है उस को भी थोड़ा बहुत समझ सकते हैं। ऐसी हालत में आदिवासी एरिया में कानून को बहुत कम लोग समझ पाते हैं। अंग्रेजी शासन काल में जिस तरह से वह लोग चाहते थे करते थे। उन्होंने ही हमारी बाउन्ड्री तय की हुई थी। हम समझते हैं कि जो कुछ ब्रिटिश शासन काल में हुआ था उस को अपनी आंखों से जा कर देखिये, और उस के बाद जैसे चाहें कानून बनाइये, हम लोग उस के लिये राजी हैं, उस में हमें कोई आपत्ति नहीं है।

श्री भागवत झा आजाद (पूर्निया व संथाल परगना): सभापति जी, अभी हमारे दो मित्रों ने श्री जजवाड़े और श्री हेमब्रोम ने जो कि संथाली मेम्बर हैं इस सभा के सामने और माननीय मंत्री जी के सामने यह विचार रक्खा था कि जब आप इस विधेयक को इस सभा में लाये हैं तो उस का उद्देश्य

[श्री भागवत झा आज़ाद]

यही है कि उन क्षेत्रों में जहां आज तक सामान्य कानून एक तरह से लागू नहीं किये जाते हैं, वहां यह कानून लागू किया जाय। मुझे मालूम है कि अब तक जो भी कानून देश में आज तक पास हुए उस के सम्बन्ध में संथाल परगने के लिये अलग से यह आर्डर देना पड़ता था कि यह देश के और भागों में ही नहीं बल्कि संथाल परगने में लागू किया जायगा। आज तक यह तरीका चला आ रहा है। इस का कारण मुख्यतः यह है कि ब्रिटिश शासन के समय में उन की संकुचित मनोवृत्ति के कारण इस को अलग रक्खा गया : इस का एक मात्र उद्देश्य यह था कि चूंकि किसी कानून के लाने से संथाल परगने का जो एरिया है वह भी उन्नत हो जायगा, इस लिये उस कानून को वहां पर न लागू किया जाय। आप ने इस प्रथा को बदला नहीं इस का परिणाम यह है कि आपने जो जो कानून बनाये वे कानून आपने उन क्षेत्रों में लागू किये जिन का आप को पूर्ण विकास करना था और विकास हुआ भी। लेकिन आप ने उन को संथाल परगना के क्षेत्र के सब विभागों पर उन को लागू नहीं किया विशेषकर उन स्थानों पर जहां के लोग पिछड़े हुए हैं, दबे हुए हैं। वहां के लोग आज भी पूर्ण रूप से स्वतंत्र अपने को नहीं अनुभव करते, वह आधुनिक सभ्यता से भी बहुत दूर हैं। इस लिये आवश्यकता इस बात की है कि आज के जमाने में जो हमारी लोकप्रिय सरकार है, वह इस विधेयक को इस सभा में ला रही है, जिस के जरिये वह यह चाहती है कि दो सबडिवीजनों को भी अपने कानून के पर्व्यू में ले आये, वह बाकी के सब डिवीजनों को भी इस में ले ले। इस बात की बड़ी आवश्यकता है कि सिर्फ गोड्डा और देवघर सबडिवीजनों को न ले, बल्कि संथाल परगने में जो चार और भी सबडिवीजन हैं उन को भी अपने विधेयक के अन्दर ले ले। मैं नहीं समझ पा रहा हूं कि आखिर सरकार की इच्छा क्या है ? हो सकता है कि उसके पास इसके लिये कोई कारण हो, लेकिन हम लोग यह जानना चाहते हैं कि राज महल पाकूड़, जामताड़ा और साहबगंज सबडिवीजनों को इस विधेयक के अन्दर क्यों नहीं लिया जा रहा है। क्या इसलिये कि गोड्डा और देवघर सबडिवीज़नों की हालत अच्छी है। यह अवश्य है कि गोड्डा और देवघर सब-डिवीजन कुछ उन्नत सब डिवीजन हैं, लेकिन इस का कोई कारण मालूम नहीं होता कि उस को अलग कर दिया गया।

आपके इस विधेयक का उद्देश्य बहुत सुन्दर है और इस के सिद्धान्त से हम लोग सहमत हैं, हम समझते हैं कि गृह मंत्री ने यह बहुत बड़ा कार्य किया है, लेकिन साथ साथ हम यह भी समझते हैं कि गृह मंत्री का कार्य अभी सम्पूर्ण नहीं है, पीसमील है। आप ने उन लोगों को छोड़ दिया है जो इस जिले के पुराने रहने वाले हैं। आपने उन के साथ वही सुलक किया है जो किसी लोकप्रिय सरकार को नहीं करना चाहिये। यह वैसा ही सुलूक है जो ब्रिटिश काल में होता था और जो किसी भी शासन के लिये लज्जापूर्ण था।

आज आप ने जो काम उठाया है, और जो आप इन एरियाज को अपने कानून के अन्दर लेना चाहते हैं तो मेरी आप से यह अपील है कि सिर्फ गोड्डा और देवघर सब डिवीजनों को ही न लें, बल्कि संथाल परगने के सभी डिवीजनों को लें। मुझे इतना ही कहना है। मोरे साहब ने कहा कि यह आटो-मैटिकली लागू हो जायगा, तो इसमें मुझे कोई एतराज नहीं है। लेकिन जब तक ऐसा नहीं हो रहा है तब तक के लिये मेरा कहना है कि जैसा कि मेरे दो मित्रों ने श्री हेमब्रोम और श्री जजवाड़ ने कहा है उसको इसके अन्दर लिया जाय। श्री लाल हमब्रोम संथालों के प्रतिनिधि हैं और उन्होंने

यह मांग की है कि इस क्षेत्र के अन्दर यह कानून लागू किया जाय क्योंकि इसके बिना आजतक बहुत जुल्म होता रहा है । ऐसा करना न्याय करना होगा । इन शब्दों के साथ में आपसे अनुरोध करता हूं कि श्री जजवाड़े जी ने जो अमेंडमेंट दिया है उसको मान लिया जाय ।

Dr. Katju: The speeches of the different hon. Members that preceded me have proceeded on somewhat contradictory lines and each one has answered the other. Before I go into the matter, I shall deal first with one point, namely, the complaint about the priority of Bills. Reference was made to some very sinister motive in keeping back the Untouchability Bill, but this is wholly an unfounded charge. This Bill was introduced in the Council of States as a purely formal matter and the Council of States has passed it and it has come up here. When we were considering the business before the House, it was thought that all Bills which come here from the other House should not be held up and should be passed. It was only on that ground that it was included in the list of Bills that had been passed in the Council of States and had come up here. There is no design whatsoever behind it.

Secondly, the argument that was advanced by my hon. friend, Mr. More, was that he felt that the Bill was unnecessary because, the Constitution having been passed, all areas have become part of the Union and, therefore, automatically, the laws apply. That is one view to take, but as my hon. friend himself referred, under the Government of India Act, 1935, there were the excluded areas and partially excluded areas, to which laws were made applicable by Governors' orders. Under the present Constitution, the words 'excluded areas' and 'partially excluded areas' have been done away with. Now, we have got Scheduled Areas under Schedules V and VI of the Constitution. It may be that my hon. friend is right in this matter of law that every single Act applies, but we were given the advice that the matter was a doubtful one, and, therefore, it would be desirable to have an express Act passed to that effect.

Shri S. S. More: If you are doubtful about it, why do you not refer the matter to the Supreme Court under article 143, instead of having a needless legislation?

Dr. Katju: I shall bear that in mind for the future and trouble the Supreme Court with all these points every day. In that case, the Supreme Court will have little time left to decide important cases between citizen and citizen and citizen and State as it will be fully occupied in giving us advice on these matters. I am trying to explain the position with regard to the genesis of the Bill. We asked the various State Governments whether there were any Acts which were not applicable at present to the Scheduled Areas which we have now included in the Union List. Out of all the States we addressed, five responded to us and gave a long list and we passed it. My hon. friend then said that it was unnecessary. Assuming that it is unnecessary, and that every Central Act applies automatically, then there was no need for my hon. friend to argue about the Whipping Act—"Withdraw the Act because it is unnecessary and enlarge it so that it may have an enlarged Act in its place." My hon. friend was making all this hullabaloo about the Whipping Act and about the moral indignity. Only one State Government has made that recommendation and no other State Government wanted it because the Acts which are applicable in the States provided for a sentence of whipping. All these Acts relating to whipping are on the Union List No. 1 of the Seventh Schedule. I have got the figures for Bombay here, and out of about thousands of cases, the total number in

[Dr. Katju]

which prosecution was launched in Bombay in 1951 was 9,61,571 and the number of cases in which the sentence of whipping was imposed was only 52. As a matter of fact, we in the Central Government in the Home Ministry are dealing with this matter altogether, and we are considering the question as to whether the punishment of whipping should be either completely abolished or should be restricted to a limited number of cases. Judicial opinion and public opinion vary. I have heard very competent people on the judicial side saying that there are particular types of offences for which no punishment is more suitable than that of whipping—offences involving moral depravity or misbehaviour against women and children. If a man misbehaves with a woman or with a child, then the only punishment is that he ought to be whipped in a public place whether he is a member of the Scheduled Castes or whether he is a member of the so-called high caste. That is the only punishment and is a matter for consideration on a larger scale. The way in which the argument was brought here was as if the Government was doing something grossly immoral, the hon. Member opposite being the embodiment of all virtues.

Shri S. S. More: What are we according to the Home Minister?

Dr. Katju: As four hours have been allotted for five Bills, I thought I should only take ten minutes.

Some areas have not been included and we were proceeding upon the recommendations of the Bihar Government. I give the assurance that I shall make enquiries from the Bihar Government and if what my hon. friend has said is correct, then we shall rectify it. If it can be done by an executive order, we can do it ourselves, but if it cannot be done by an executive order, we shall set it right in the proper way. There is no desire whatsoever for keeping any particular area as a sort of excluded area. Those areas are enjoying the same benefits as are enjoyed by the rest of India, and the same responsibilities too—this is very important.

Shri Bhagwat Jha Azad: Did the Bihar Government advance any reason for not including those areas?

Dr. Katju: Probably there are some reasons, but I shall make immediate enquiries and shall let you know. If it can be done by an executive order, it will be done. If it cannot be done by an executive order and requires legislation, then I will take necessary action for doing it, but let this Bill be passed.

Mr. Chairman: The question is:

"That the Bill to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded or partially excluded areas and which, on such commencement, were absorbed in certain States, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clause 2.—(*Definitions*)

Mr. Chairman: Now we shall take up clause by clause consideration.

There is no amendment so far as clause 2 is concerned, and so I shall put the clause to vote.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (*Extension of laws*)

Mr. Chairman: There are some amendments to this clause by Shri

Kirolikar and Shri Telkikar and by Shri Jajware. I do not find Shri Kirolikar and Shri Telkikar.

Shri Jajware: I do not wish to move the amendment standing in my name, in view of the assurance given by the hon. Home Minister.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Schedules I to V, clause 1, the Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri N. B. Chowdhury (Ghatal): I have only one point to make. We understand that the Indian representative on the Commission of Trust Territories and Dependent Areas of the UNO spoke against the punishment of whipping and opposed that punishment. How is it that the Government of India is maintaining it inside the country itself. This is highly anomalous. We think the propriety of this sort of punishment should be considered very carefully. We urge upon the Government to do away with this sort of punishment as early as possible.

Dr. Katju: When we are considering new legislation about whipping I shall bear in mind the suggestion which my hon. friend has made.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) BILL

The Minister of Health (Rajkumari Amrit Kaur): I beg to move:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as passed by the Council of States, be taken into consideration."

I do not wish to take much time of the House, especially when the same allotted for this Bill is very very limited. I am quite sure that this little measure that I am plaçing before the House today will not meet with any opposition, but will meet with as much general approbation as it did in the other House. I need not say anything more about the objects of the Bill, as they are contained in the Statement of Objects and Reasons. But I have been very worried about the increase in recent years in the number of objectionable advertisements relating to so-called wonderful cures for various diseases, which are not only obscene, but are positively dangerous. These are only means for unscrupulous people to exploit the ignorant section of the population. In the Drug Rules made by the Central and State Governments there exists a provision according to which no drug purporting or claiming through its label or enclosed literature to prevent or cure certain diseases can be imported or manufactured for sale. But this provision was found to be very inadequate for the purpose under consideration.

I have received notices of a few amendments, which I am afraid I am unable to accept. Many of them are purely verbal in character. We have

[Rajkumari Amrit Kaur]

consulted the Law Ministry and are advised that no material difference would be made to the meaning by certain of the proposed amendments. There are one or two others to which I have to take exception. I shall deal with them when the amendments actually come up.

I would request the House not to spend very much time on discussion, but to give their assent to the passing of this necessary measure.

Mr. Chairman: Motion moved:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as passed by the Council of States, be taken into consideration."

Shrimati Jayashri (Bombay—Suburban): I heartily congratulate the Minister for bringing this Bill by which the lacuna in the Drugs Act will be done away with. Under the Drugs Act the State Governments are responsible for control over the manufacture, sale and distribution of drugs. But the advertisement of these drugs does a lot of harm to the public.

Sir, medicine is considered one of the most essential commodities, next to food, having direct relation with the health and life of people. Therefore, those who deal in medicine carry a heavy responsibility and they should always bear in mind that while dealing in medicine, they are dealing with the health and life of our people.

During the last century, medical science and practice have developed at a tremendous rate learning new things and trying new remedies. In order to secure sale of these products importance is given to the method of advertising these goods. It is quite necessary that people should be informed about the remedies to alleviate the sufferings and pain within the reach of the common man. But there are unscrupulous people who pose as doctors and recommend all kinds of drugs and magic cures. The advertisement of spurious drugs has assumed such proportion in our country that it needs enlightened public opinion to counteract the menace. As I said this lacuna will, I hope, done away with by passing this Bill. The advertisement of these drugs and cures is given in a very unethical way and produce evil effects on the minds of the people especially ignorant women who have blind faith in these drugs which do a great harm to their body and mind. I was informed by so many women doctors that great injury is done to the body physique of women by their falling a prey to the advertisements and drugs that are advertised.

A few months back in the Standing Committee of the All India Women's Conference this question was discussed and I think I had drawn the attention of the Minister at that time also and shown so many cuttings of these advertisements. I am glad to say that today this Bill has been brought in the House. In Bombay also the Health Minister there was trying to bring necessary amendment to the Drugs Act but he said that as this amendment is coming in this House, he thought that it was not necessary to bring some amendment there and I am glad that today we are bringing this amendment and I hope that this will be accepted by the House.

Dr. Rama Rao (Kakinada): I have great pleasure in supporting this Bill. But I want to examine the conditions which are necessitating encouraging or helping this sort of magic remedies and vulgar advertisements. The other day when we were discussing grants of the Health Ministry, I gave details of certain diseases and the lack of medical aid Government are providing to our people. I do not want to go into details but we all admit and know

that the medical aid which we provide to the people is hopeless and we must be ashamed of it. Therefore, when we look at this magic remedies and all wonder drugs I am not surprised that people rush to them; any quack or any man can sit under a tree and he can make a living of that. You would remember some time back in Orissa, the Nepali Baba, a young cow herd boy of thirteen years started some treatment and to give something. There were thousands of people going there in trains and in cars —I do not think, in aeroplanes—and in course of time there was cholera and at least a few hundreds—my friends say thousands—died of cholera. It was a great menace.

Later on some time back in South India—I think in Travancore Cochin —there was another 12 or 13 years boy starting magic cures and there was another great rush. I think that after this Nepali Baba incident and the bitter experience, there the officials took some steps. I know in my district we have had a certain man—no education nothing—and he makes a powder and he says it is a cure-all for children's diseases costing four annas a packet and he makes a lovely sum out of it.

I am giving only one or two examples. What is the reason? The few hospitals that we have are understaffed. The doctor cannot pay attention to the patient and the patients cannot spend three hours or four hours waiting for treatment. So we must look at the main cause and then try to solve the problem. As far as this Bill is concerned, I welcome it and the trash we see in the newspapers at least will be abolished. We must be thankful for small mercies but I wanted to draw the attention of the Government and the hon. House to the main problem.

Then I come to certain things which our Government should do immediately. We have a Food Adulteration Bill. Of course the hon. Health Minister would say: I am very anxious to bring it. But the trouble is she is part of the Government. It passed the Select Committee stage more than fourteen months ago and I do not know when it will come.

In our unfortunate country, when any trash can be sold as medicine, there is some trash being sold as specific and costly drugs. We prescribe chloromycetin and the unsuspecting people buy from some shops. There are quinine which are supposed to contain 10 grains but they do not even contain half a grain. All these things require immediate and effective drug acts.

Now one function the Government ought to take up immediately in relation to the diseases—large scale diseases—is the manufacture of medicines; leave alone the *mantras* and magics. It is the primary duty of the Government to manufacture drugs and supply at cheap rates or even free. You see from all these things the main thing —it is a question of profit motive and when the question of profit comes, no principles come in the way. The Government must be alert not only to prevent it but to give the substitutes in the form of cheap drugs.

Then come the magic cures. Unfortunately, the country is backward and so full of superstition and the unprincipled people make capital of this superstition. Government shall have a look at just the important personalities. Many of them have their own astrologers to tell them every day what would happen....

Mr. Chairman: That is hardly connected with this.

Dr. Rama Rao: I am only drawing attention to the faith in some thing superhuman, some thing extra-ordinary—the magic cures. Only some time back, Government of India were paying out of their revenues to the person known as *Paniwala* Maharaj— about Rs. ? 200 or so. I am liable to correction, but Government funds were being utilised for paying him. I

[Dr. Rama Rao]

do not blame him. Our State is entirely based on that philosophy. That shows the Government's standard. There are talismans, and wonder rings and magic rings to cure any disease in the world!

I come to one point and I gave notice of an amendment and I will speak about that when I move the amendments formally. I speak about Clause 14 (a) which concerns medical practitioners. Clause 15 deals with exemption to certain people to whom this Act does not apply. The Health Minister very kindly exempts registered medical practitioners. I am surprised how our experienced medical men who advise the Health Minister could tolerate this. One good thing about the medical profession is this: advertisement of any form is tabooed; it is not allowed; it is looked down upon with contempt; it is not only that they take legal action. If a person advertises in any form his name can be removed from the medical register. Of course, in India, unfortunately, severe notice is not often taken of this, but, here and there it occurs. Still, I must say that the medical profession, with a few exceptions here and there, maintains that high standard of looking down on advertisements in any form. So, here is an astounding concession to the registered medical practitioners who can advertise: "Doctor so and so: here you can have the drugs for maintenance and improvement of the capacity of human beings for sexual pleasure, or the correction of menstural disorder in women (thereby meaning abortion)." This is highly objectionable. It is not a concession to the medical profession; I think it is an insult to the medical profession because this Bill which is to become an Act can permit medical profession to lower themselves to this level. There is the Medical Council Act, and I am sure the Medical Council would not tolerate any of this nonsense. Why should the Government go out of its way and welcome or induce—I do not say, seduce—medical profession to give such advertisements.

Mr. Chairman: Is the hon. Member referring to sub-clause(a)?

Dr. Rama Rao: Yes. I want its omission completely because it is an insult to the medical profession which is not called for.

Then, I want to refer to some of these foreign advertisements and foreign drugs. We had that wonderful drug Okasa or Osaka for rejuvenation. There is a clause which says that under the Sea Customs Act you can prohibit it if the Government declare that under the Sea Customs Act, a particular advertisement or a particular magazine is tabooed. Before the Government publishes this in the gazette the book is all over the country and people would have read it. I am not going into details, but when they frame the rules, I think the Government will take this into consideration and frame necessary rules to prevent, not only Indian advertisements in Indian papers, but foreign advertisements in foreign papers and journals which come into India.

Lastly, Sir, with great reluctance, I must give you a few samples of these advertisements. I cannnot read them completely—in fact, the most important words I will have to omit—in view of the presence of our lady Members. In all Indian language papers or magazines—not the high class dailies, but specially the cinema magazines and other cheap magazines—you see any amount of this dirty stuff. There is an advertisement here for Kumari Pills with an attractive picture offering assistance to *Kumaris* who have missed their menses. Now, our friend Mr. Gadgil is here and his name comes into an advertisement. This comes under the

heading 'Family Planning'. If it is for Birth Control medicine for life, the cost is Rs. 55 and for two years Rs. 20. In fact, the advertisers are very mischievous. Here is an advertisement of a book on the subject which says:

> "Appreciations from Pandit Jawaharlal Nehru, Shri K. M. Munshi, Shri Gadgil and others".

Of course, the Home Ministry is not here.

Shri D. C. Sharma (Hoshiarpur): I think the hon. Member is sorry that his name is not included there.

Dr. Rama Rao: I am not sorry that my name is not included. Though I am not practising, I have the honour to belong to a profession which looks down with contempt on every form of such advertisements.

As I told you, I cannot read the whole advertisement.

Mr. Chairman: It is better to avoid it.

Dr. Rama Rao: They are unreadable and un-mentionable. There is one Royal Oonim which is not a temporary stimulant but for gradual and complete rejuvenation for old people. No, there is another advertisement:

> "Every night an astonishing.... .and so on".

Many of the hon. Members of the House are married people. There is an advertisement "How to be happy though married". The Home Ministry must take specific notice of these 'daringly illustrated advertisements'. Please note the word 'daring'; of course, it is daring on the part of the advertiser to advertise such things. Now, here is something within quotations "held not to be obscene" in a recent judgment given in our favour in the Bombay Court. He does not say in which Bombay Court this judgment was given. Anyway, the Home Ministry must look into this and take severe action on such things.

Mr. Chairman: That comes under the obscene advertisements.

Dr. Rama Rao: Anyway, the Home Ministry is spending a lot of its time on these things.....

Dr. Suresh Chandra (Aurangabad): May I know the name of the paper?

Dr. Rama Rao: I do not want to advertise.

An Hon. Member: You must mention the name of the paper.

Dr. Rama Rao: The name of my hon. friend Shri Gadgil appeared in *Hindu*. The other advertisement appeared in *Blitz* and one in *Kerala Kaumudi*.

An. Hon. Member: What about the 'daring' advertisement?

Dr. Rama Rao: That is given by one company which has a foreign name—Messrs. Hering and Kent.

Now, there is another one, "Menso", "speedily clears out stopped menses of any cause, at any stage". This is an outright invitation for people for criminal abortion. Then, there is this advertisement:

> "Delayed a period? Don't be sorry, here I am".

Of course, these sort of advertisements, every hon. Member reads. I will give one more instance.

Mr. Chairman: It is not necessary to elaborate.

Dr. Rama Rao: In fact, all the hon. Members agree on this, but this I must read fully: ...nd

...g this

> " 'Lama' Pills, Tonic for ...ng which, ...mic Manhood, from orig...ppose. The ...cipe of Tibetan Lamas"– ...day—I read ...ordinary Lamas. ...ed a school

would request

As I told you, we m... for Ministers for small mercies. ...udy the principles of trash will be re...herwise, our counpapers and I we...y grave danger of hope that Gov...ian as rules and laws to frame r..., about what we should ...hat we should eat, what ...es we should use, what we

Mr. Chairman: Before we proceed, I would like to make an appeal to the Members that they should be as brief as possible. It appears that there is not much of an opposition to a Bill of this kind. The subject matter is such that the evil is known to everyone and we will be saving some of our time which might be profitably spent on consideration of certain other Bills. Therefore, I would request the hon. Members not to repeat the same things over and over again, or quote any more advertisements or such other things.

Shri Dabhi (Kaira North): Sir, I rise to support the motion for consideration of this Bill moved by the hon. Health Minister. I specially welcome this Bill because while I was a Member of the Bombay Legislative Assembly, I myself had moved a Resolution requesting the Government to prohibit such obscene and objectionable advertisements. I do not want to dilate upon these things, but still I want to bring to your notice some of the ways in which these advertisements are being given. The objectionable advertisements which are being published in various newspapers and periodicals fall into two or three categories. The first category of advertisements are those which deal with magic remedies, Talismns; *Kavachas* and others.

Then, as my hon. friend Dr. Rama Rao said, there is another category of advertisements dealing with so many other drugs which are so ob-
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capacity even reading those advertise-
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objectionable. tisements: "Man-power
to the medical power oil"; "Man-power
is an insult to the pleasure of married
because this Bill whne interesting ad-
an Act can permit which is obscene
sion to lower themselves's heading. The
There is the Medical Cowith *chappals*."
I am sure the Medical Cor know what
ement is.

The man who has given that advertisement says in that advertisement that one woman was beating her husband because he was not able to satisfy her sexual pleasure. That man used this medicine, or drug, and then he was able to satisfy her sexual pleasures. Not only should such advertisements be banned, but the newspaper and periodicals which publish such advertisements should not be allowed to exist.

There is yet another category of advertisements which are merely bogus though they are not outwardly obscene. They are meant for deceiving gullible people. I would give only one or two examples. This is what one of the bogus advertisements regarding the bogus and spurious drugs says: "By using this tonic, old people become young and weak people become strong and ugly people become beautiful." Another such advertisement says: "By using this incomparable oil, white hair becomes black in a moment and continues to be black for 50 years."

Shri R. K. Chaudhuri (Gauhati): On a point of information. May I ask if the hon. Member can tell the House that all these advertisements have invariably proved false and that they have not done any good anywhere?

Shri Dabhi: The hon. Member may have better experience and he may explain these things. So, I am of the opinion that such advertisements should be completely banned: not only banned, but deterrent punishment should be given to the givers of those advertisements as well as to the publishers of those advertisements. I am going to move one or two amendments stating that such offences should be punished not only with fine but with imprisonment also. When I move my amendments, I shall try to explain how my amendments are absolutely necessary to curb such anti-social acts. I again wholeheartedly support this Bill.

Shri C. R. Narasimhan (Krishnagiri): Various opinions in favour of the Bill have been expressed, and therefore I am surprised that we here and the community have been tolerating this kind of evil for such a long time. The Bill has come not a day too soon. I have to make one or two remarks, and I shall be very brief. It is not enough if the Bill is made into law and put on the Statute-Book. My appeal to the Ministry is that the law should be enforced with the greatest vigour. There are some loopholes that have to be removed. There are certain classes of advertisements which come as marginal cases. Those advertisements recommend certain booklets to the readers, and the public. The booklets are very bad. They are very objectionable. Therefore, where advertisements advertise booklets which are bad, then, even those advertisements should be stopped. That is my appeal to the Minister and I hope the Minister will look into this aspect also in due course. I hope I have made my point clear. It is generally felt that only the village folk and the illiterate are the victims of such advertisements. It is not so. Even the literates have now become victims through the newspapers. Not only the ordinary newspaper-reading public, but also those who read English newspapers, very popular English newspapers, very respectable ones, sometimes succumb to these advertisements. If the advertisements are written in very good English,—and they are clothed in pseudo-scientific language—even the wary are liable to be deceived.

Dr. Rama Rao quoted a story. I venture to relate another astouding story which was also published in the newspapers of those days. A few years ago, when the Father of the Nation passed away, a fraudulent gentleman in Madras promised that if he was given chance he would bring the Father of the Nation to life. Some rich, well-known people, in their affection for the country, just thought that it should be tried. So, that man was brought in a plane to the city of Delhi and was asked to try his chance. But that gentleman said that if the body was cut to pieces and some rituals gone through, he could bring the Father of the Nation back to life. That was too ghastly, and therefore, for that reason,—a rational reason—the man was sent back. But there were persons to bring him by plane to Delhi. The story was published in the newspapers and such astouding things took place. So, it is not only the illiterate and the village-folk that fall a prey to these things but even the literate, the English-reading public, become victims, particularly when it is clothed in a pseudo-scientific language. I am glad that the Bill has been brought up, and I hope the loopholes will not be allowed to weaken the Bill.

I also learn that even the Press Commission tried to arrest, at this early stage, without the Bill, this kind of advertisements, but that they never succeeded. I hope that the Bill, when made into law, will act as an incentive even to the newspapers not to give such advertisements.

Shri R. K. Chaudhuri: I want to oppose this Bill.

Shri Khardekar (Kolhapur *cum* Satara): I welcome the idea behind the Bill. I think the idea is to protect the innocent from being duped, or, in a wider sense, to substitute reason for superstition and blind faith. Nothing is dearer to my heart than this. But these objectives should be secured only by education and adequate propaganda. To bring this about by legislation is a thing which, of course, I stoutly oppose. The Prime Minister, the other day—I read in the newspapers—started a school for administration. I would request him to start a school for Ministers where they would study the principles of legislation. Otherwise, our country faces a very grave danger of going totalitarian as rules and laws will be made, about what we should drink, what we should eat, what medicines we should use, what we

[Shri Khardekar]

must read, and ultimately how we should think. This is a very grave danger, which the country is facing. The twentieth century is an age of advertisements, and to prohibit advertisements, I think, is to be reactionary. It is surprising that this Government should try to prohibit magic remedies. Ingratitude, as you know, is the worst sin, and the Congress Party, suffering from the disease of unpopularity some time ago, found a magic remedy in the personality of Pandit Nehru, and therefore, it revived. May I refer to the Health Minister's utterances during her election career? She said, "people will and must vote for me, because Panditji likes me"—she used a stronger word, but I am using only a mild word. This is trading in the blind faith and the hero-worship that the people have for somebody else. You can talk about yourself, and you can talk about the principles of your party, but to utilise the popularity of some great person, I think, is a misleading advertisement.

Rajkumari Amrit Kaur: I deny the allegation that has been made by the hon. Member, with all the emphasis at my command. It is utterly untrue.

Shri Khardekar: I shall try to find out the reference. (*Interruptions*).

Mr. Chairman: Order, order. I think it will be better if hon. Members would avoid references to other hon. Members.

Shri S. S. More (Sholapur): He is now talking about magic remedies.

The Minister of Law and Minority Affairs (Shri Biswas): Is it in order to refer to these things? What has that got to do with magic remedies or magic drugs?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): He is under the inflence of a magic drug. (*Interruptions*).

Shri Khardekar: I come now to the main point. First of all, if misleading advertisements were to be prohibited, I do not know how many election speeches, election manifestoes and programmes would really be allowed without being prohibited, because all of us—not any particular party—certainly paint a very bright picture, an ideal sort of thing, that may not be true to facts.

Let me now come to the next point, namely, how in practice this Bill will prove dangerous. We have shockingly inadequate medical aid in this country, and only about ten to fifteen per cent. of the people get this help. Let me give one particular instance. Let us take the case of snake-bites. We know in this country there are only about four or five types of very dangerous snakes; several snakes are not dangerous. For dangerous snake-bites, I know that the serum given by the Haffkine Institute is adequate, and perhaps the only remedy, but there are hundreds of cases where people get bitten by snakes which are not so dangerous or so harmful, but yet they get extremely nervous. We have to understand the human mind. If he were to know that nobody is allowed to treat this, or if he has a certain help from somebody, but that help is not available to him, perhaps, he may very likely die. This, I believe, is a very dangerous thing.

We must not forget that the East is full of mystery, and this land, particularly, is a land of saints and *yogis*, and there are many things which even science may never be able to explain. We are rather old-fashioned, I know.

I come to another point, and that is credulity or faith. Faith can move mountains, and even in the case of allopathic medicines and the best of modern treatment, if a patient has no faith in it at all, I do not know whether in all cases, it would be as adequate, as we would expect. Cre-

dulity is a very important factor. In our childhood, it is with credulity that we read the stories from the *Ramayana*, the *Mahabharata*, or the *Panchatantra*, or read about Jack the Giant Killer, Cinderella, Father Christmas and so on. They have all moulded our life—it is not that they were true. So, credulity presupposes imagination, and I think that should not be ignored. After all, the difference between credulity, faith and reason is a difference of degree, and really we cannot do without them.

11 A.M.

Coming to certain advertisements in regard to old men being rejuvenated or getting younger, I do not know what wrong is there, because they create some sort of hope at least for some people that their youth might be revived. Looking to the newspapers, I feel, because of the political propaganda and other things, sometimes reading certain advertisements is an interesting interlude. And reading about marriage proposals, divorce notices and so many other things makes life a little more interesting.

Coming to my own amendment, particularly, where I have stated that the prevention of conception should not be prevented, we should know in this country the problem of all problems is the problem of over-population. If Government are not doing anything that ought to be done, and the scientific attitude of our hon. Health Minister is cowed down, as I said the other day, when it faces the question of family planning, then, if some people are able to produce the effect by some other means, I do not know why that should be prevented.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Of course, abortion, if it is intentional and deliberate, although it might mean: love's labour lost, should be prevented, because it amounts to murder. But this prevention of conception should not be prohibited. That is my humble submission.

Shri R. K. Chaudhuri: Our people are lost in admiration for the activities of the hon. Health Minister. Her concern for the health of the people, consigned to her care, is admirable. Even a remote village in Assam has got the benefit of attention from her, for a maternity home. People in my part of the country are anxious to see Rajkumari Amrit Kaur, and I had invited her also to visit my place, but perhaps, she is not very much willing to have the rustic reception which my poor State will offer her.

But my admiration for her and her activities in the Health Ministry should not prevent me from speaking frankly on this Bill. This Bill should be considered from two points of view. The first is that the object of the Bill is to prevent the use of objectionable drugs and magic remedies. But how are you going to prevent it? You are going to prevent it merely by stopping the advertisements of such drugs and magic remedies. This is the only thing that you have suggested in this Bill, but you are taking no further action to stop the mischief of the use of these drugs. To that extent, I consider this Bill to be innocuous.

I consider this Bill to be mischievous in one respect, in this age, when scientific inventions are changing daily and from time to time. For instance, at one stage, penicillin was stated to be the only remedy, but subsequently, it was stated that there were some other remedies which were much better than penicillin. But in this country, we have for long depended upon these drugs and magic remedies.

Take, for instance, the case of venereal diseases. Before this new injection was invented, the large mass in the country had to resort to country-medicines, and a good percentage of them got cured also. Are you going to prevent the advertisement of medicines of that kind?

[Shri R. K. Chaudhuri]

Again, take the case of the prevention of child-birth. In our society now, young as well as old women do not blush at all in advocating birth-control. In this House also—the hon. Minister will excuse my saying so—this Bill has been ushered in by a woman, and the main burden of this Bill is sexual consummation and the outcome thereof. I say that is a good sign of the times.

Certainly we must come out openly. In former days when a person was suffering from a venereal disease, he used to conceal it and have resort to other country medicines, just concealing it. Now, what I am going to ask the hon. Minister is, how far will this Bill be able to bring about a practical result. Take, for instance, the case of advertisements of medicines giving sexual vigour. Can anybody rue that these medicines do not actually provide sexual vigour? Then why are you stopping that advertisement? How can that advertisement be stopped. You have to have an analysis of the ingredients of that medicine and then come to the conclusion that its advertisement should be stopped. This is not a practical thing. The whole thing should be left to the good sense of the people to use it or not to use it. I feel very much tempted when I see an advertisement in an almanac. An old man after taking a little medicine gets strong and fights with a tiger or lion. If I am a man of good sense, I will not naturally be carried by that. But I can try. You cannot prevent me from trying that. and getting a last chance. This may prove efficacious.

So I submit that this is not the way of curing the malady which is spread all over the country. Nobody can say that these medicines do not take effect. Take, for instance, magic remedies—I do not say so much about the magic remedy, but I say about the *mantras* and *pujas* and things of that kind. I know of the case of a man of position who had no children after 13 years of marriage. That gentleman took remedies from some one in the Kamakhya temple and actually after 13 years, he had a male child. (*Interruption*). No medicine, but application of this magic remedy. Now, if I advertise that fact, will you prosecute me for that? I know it personally and I can prove it even now. The parties are alive. So when you say that this is not a remedy, this remedy would not be successful, of what use will it be to bring about a legislation of this kind?

Now, take another instance. I can produce a man who actually is an expert in setting bones. He does not know many medicines. He just gives some herbs and he actually sets bones which a doctor has failed to set, in cases of fracture and things of that kind. Now, will you stop that advertisement? I can bring that man to you, and shall give a demonstration that bones can set by that man in cases where doctors have failed to do.

These are all Assamese medicines. If you get pain all over the body, then he will utter an incantation and the pain will accumulate in a particular place and there will be a something like a boil there and then if you puncture the boil, the entire pain will go. These are things which are going on.

Now, take for instance, the case of pneumonia. Pneumonia about twenty years back was considered to be a very serious disease. Now penicillin and things of that kind are used, and pneumonia is somewhat under control. There is a man in a place called Mayang in the district of Nowgong in the State of Assam, which is noted for magic, witchcraft and things of that kind. He used to give a pill and if it could be used in time, nobody would die of pneumonia. These are things which respectable people know and have used. Take, for instance, the case of dysentery. Our country is full of dysentery. No doctor can reach them. There is a medicine for dysentery which, if

used, would cure dysentery on the second day. All these things are there.

So I say that this Bill ought to have come, say, after ten years when you have had sufficient experiments on different kinds of drugs. In this connection, I am thankful to mention one thing. I have given the hon. Health Minister some of our country medicines and she has ordered them to be analysed and examined in laboratories here. She has already done that. This Bill should have sometime after everything, every method has been examined to see and find out whether the existing country drugs are good or not.

Since this is a Bill in which sexual matters have been brought up for discussion, I think I should mention to the hon. Health Minister—I am finding fault with her—that in this instance at least she has done nothing in this country to check the transformation of sex. Women are becoming men...

Mr. Chairman: Order, order. I doubt very much whether the thing that my friend is referring to comes within the scope of this Bill. Therefore, I would request him not to bring in matters which are extraneous to this Bill.

Shri Biswas: It is by a magical remedy that this can be accomplished.

Shri R. K. Chaudhuri: Are you disallowing it on the ground of indecency?

Mr. Chairman: So far as the Bill is concerned, it has nothing to do with the transformation of sex.

Shri R. K. Chaudhuri: I hope the hon. Health Minister will be taking steps in this country also. In other countries clinics have been established. When a man begins to feel that he has some symptoms to indicate that his sex was not the real sex, then in other countries the man is admitted to a clinic and an examination is carried on. After a short time, an operation is conducted and thus this painful period of the transformation is got rid of. This transformation of sex is dependent on psychology. When women begin to think that they are equal to men and that they can replace men in this world that psychology brings about a transformation of sex, and active steps ought to be taken by the Government of the country to stop that, unless, of course, we wish that every woman should become a man and that there is no scope for women—in which case it is a different thing. When you do not wish it, then steps should be taken, really and seriously taken. (*Laughter*). I submit that this is not a laughing matter; it is a serious menace. In Europe and Japan, you daily hear of such instances. I must tell the hon. Health Minister that care should be taken when symptoms appear. Before the transformation takes place, the symptoms are that a man eagerly associates with women only; he feels shy about mixing with men. I have read that in books; it is not imagination. The signs are his readiness, and willingness to associate with women. I have known personally of two or three instances in which they mix only in the society of women and shun the society of men. Ten years ago or fifteen years ago if I had discussed birth-control here, everybody would have cried 'shame' on me. Now, I am discussing this matter, this vital matter—the great menace, at least, to the male human beings. If you are indifferent to this, then it would be criminal, I should say. Steps ought to be taken and information ought to be collected. Will the hon. Health Minister be able to tell me whether there is a single instance in India of transformation of sex, female into male?

Rajkuamri Amrit Kaur: How is this relevant to this Bill? I would like to know. If the hon. Member wishes to draw my attention to anything of this nature, he can do so, but not as arising out of this Bill.

Shri R. K. Chaudhuri: I could not follow the hon. Minister. If the hon.

[Shri R. K. Chaudhuri]

Health Minister would give me an assurance that she is going to take steps, then I will sit down. I will then know that she is taking steps to prevent women becoming men.

Mr. Chairman: No question of any assurance arises as the matter is extraneous to the Bill.

Several Hon. Members *rose*—

Mr. Chairman: We must finish this Bill by twelve o' clock. There are also two other Bills. Four hours are allotted to all these Bills. According to the time-table, I am afraid there is no time left.

Shri M. S. Gurupadaswamy (Mysore): I will take only five minutes. Sir.

Several Hon. Members: Each five minutes.

Mr. Chairman: Each five minutes means a lot.

Shri Raghunath Singh (Banaras Distt.—Central): Four minutes, Sir.

Shri S. S. More: It is a very important measure and it has some implications. I appreciate the motive with which this Bill has been conceived and delivered here. My point is this. There are so many Bills which stand in the name of the hon. Health Minister. Take, for instance, the Food Adulteration Bill, which has already been referred to a Select Committee and the Select Committee has reported. I do not understand why priority should have been given to this sort of Bill while that other Bill is kept in the limbo of oblivion.

The other point is, is there any machinery with the Government by which they can come to a definite and final conclusion that a particular drug or remedy is a magic drug or remedy? In the Food Adulteration Bill, a sort of apparatus is provided by which Government can test a particular article of consumption and come to a definite conclusion with the aid of science that that particular article of consumption has been adulterated. On such a final conclusion, a man can be prosecuted and punished. What is the apparatus provided for the purpose of implementing the provisions of this particular Bill?

Take, for instance, clause 3.

> "Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement..."

Now, the word, 'publication', you know, is a very technical expression. The word 'advertisement' also is capable of so many interpretations. Even advertisement by lights is an advertisement within the meaning of this. Supposing an electric company is supplying power to different persons and that power is utilised by some person for the advertisement, then, according to the technical and strict interpretation of some of the clauses, even that electric company will be liable to the charge of participating in the advertisement.

Take the case of newspapers or newspaper proprietors. How are they to know that a particular advertisement about a particular drug or medicine is an advertisement which shall be held to penal under this particular measure? What is the procedure which they can follow to satisfy themselves that a remedy proposed to be advertised is not a remedy held to be pernicious under this particular measure? If Government are out to create new offences and punish those offences, they must also afford to the people sufficient securities by which they can keep themselves away from the undesirable ambit of the offence. There is no such safeguard. Therefore, my submission is that though the motive is laudable, there is nothing to safeguard people. I know that particulary illiterate persons who come from distant places where no medicine is

available are the first victims. Illiterate persons and persons who have passed a certain stage of age require some stimulus and they go in for these. We can easily imagine the plight of advancement of age. How are we to know that a particular medicine will come under this Act? If we recommend to a friend some medicine, it will be a sort of advertisement. My submission is that there ought to be set up some apparatus. I do not believe in incantations which just look like magic. But every new remedy, due to novelty, looks like magic. When Mahatmaji started the Dandi march, the British pooh-poohed that idea and said, 'O! this old man is starting with his batch of faithful disciples; it is not going to stir the whole country'. But it worked like magic and galvanised the whole country tremendously so that the foundations of British imperialism came to be shaken. I need not give several instances. Take for instance, artificial insemination. Who would have thought when it was first discovered, that it would be a success!

I do not want to take much of the time of the House, but I sincerely request the hon. Health Minister to point out what is the apparatus by which it can be definitely known that a particular drug is a spurious drug, that it is a magic remedy. I am a rational being; I do not believe in *mantras*. But, I am told that in Ratnagiri there are some persons who recite *mantras* and cure the worst snake-bites, they call back the snakes and the snakes come and suck back the poison.

Shri M. D. Joshi (Ratnagiri South): For my hon. friends information I would say there are no advertisements in Ratnagiri of this nature.

Shri S. S. More: That is a proof of the backwardness of Ratnagiri. For the benefit of the public such medicines will have to be advertised. If they are not advertised, it cannot be a reason for the passing of this Bill.

Shri M. D. Joshi: They consider it a sin to advertise it.

Shri S. S. More: That is another proof of their being backward. If there is some efficacious remedy and the person who is in charge of that remedy does not give the advantage of that remedy to the world outside and thinks that advertisement is a sin, then he himself commits a sin against the public which suffers from that malady, I am not, a believer in *mantras* but I won't summarily rule them out. There are so many things in Nature, which we do not imagine to be correct. Life is, on occasions, more strange than fiction. So, I would say, as far as this measure is concerned, there is no apparatus or machinery which has been provided by the Health Minister by which persons, particularly newspaper proprietors or others who accept advertisements, shall be protected. There will be no remedy for them. From whom are they to secure a certificate? There is no machinery by which they can be safeguarded from the penal clauses of this measure. I would earnestly request the Minister to set up an apparatus by which we can find out whether a particular thing is magic or not.

Shri M. S. Gurupadaswamy: I want to speak a few words from the point of view of the Press. Except Mr. More, no Member posed that question. Even Mr. More did not elaborate on implications of this Bill, in so far as it affects the Press in general. Advertisement is the main source of income for papers and magazines. I submit before I refer to my point that the object of the Bill is laudable. I have no dispute about it but I submit that the method adopted by the hon. Minister is not the proper method.

In this connection, I wish to say that it is very difficult for the Editor of a newspaper or the Advertisement Manager to know which drug or remedy which comes for advertisement is good or bad. He is not an expert. As a journalist, I know when

[Shri M. S. Gurupadaswamy]

advertisements flow into the Press, there is no machinery in the Press itself to evaluate the efficacy of a particular medicine.

Mr. Chairman: The efficacy of a particular medicine need not be gone into in reference to Clause 3. The words are clear. They are—

"suggest or calculated to lead to..."

The efficacy is not in question.

Shri M. S. Gurupadaswamy: It is very difficult for the Advertisement Manager or the Editor to know whether a particular drug or cure that comes for advertisement is really good or bad.

Mr. Chairman: As I have already pointed out, so far as section 3 goes it has nothing to do with the efficacy of the drugs. It has nothing to do with the fact whether it proves useful or otherwise.

Shri M. S. Gurpadaswamy: It is subject to section 4 which says that if an advertisement gives a false impression or makes a false claim for the drug, such advertisements should not be published as they are objectionable advertisements. Moreover, there is another point that should be considered in this connection. The Press Commission will be submitting its report very soon and I understand that one of the objectives of the Commission's enquiry is to draw up a model advertisement code for the Press. As it is coming very soon, it would have been better to wait for that report and act on it later. There is another factor which is vitally important. This Bill tends to make an inroad not only into the revenues of the Press but also makes an inroad into freedom of the Press. I would draw your particular attention to section 8, according to which—

"Any person authorised by the State Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government."

Under this section, an officer may enter the premises of the Press and take over the entire papers and periodicals published by it. So it not only makes an inroad into the revenues of the Press, but also stifles the freedom of the Press. The objective is laudable—we all appreciate the objective for which the Minister is piloting the Bill—but I would say that the method adopted by the Minister in bringing the Bill is not at all proper or good. The best thing would have been, according to me, to have a comprehensive Press Bill on the basis of the report of the Press Commission. This Bill is not a comprehensive one and moreover, as I pointed out it indirectly takes away certain liberties of the Press. If you look at the newspapers these days, of course you find shameful, low-class, abominable and disgusting advertisements appearing in them. They are dangerous to society and should not be permitted. There should be some sort of restriction and penalties should be imposed on advertisements of such a nature. Revenue is not the only thing that the paper should look to. There is another aspect, which is more important, and that is the general morality and education of the country. While advocating for the implementation of the objective, I say it would have been better to include all these provisions in a comprehensive Press Bill. If you look at the Bill, you see that it refers to advertisement only and does not refer to the manufacture of the drug or other things. This means it refers to the Press mostly. I would suggest that this independent Bill would not have been necessary and that a more

comprehensive Press Bill, in which other things also could have been brought, should be introduced in the House. I feel that the Bill in the present form cannot be supported on the ground that it will make a positive inroad into the liberty of the Press

Moreover, there is another observation which I shall make and that is in regard to section 7, which says that people, who violate the provisions of this Bill, will be sentenced to imprisonment for a period of six months or be punishable with a fine etc. The amount of the fine is not indicated here. This amount of punishment will not in any way act as a sufficient deterrent on culprits. I do not in any way plead on behalf of the Press people that they should be exempted from rigorous punishment. They must be punished, if they go wrong, but on strong grounds. Even the Minister does not know which remedies are proper and which not proper, and again so much of superstition exists in this area. I would suggest, therefore, that the Bill may be deferred to a future day and, the objective being laudable, all the provisions of the Bill, with suitable amendments, may be included more appropriately in a Press Bill which may be introduced later.

Mr. Chairman: Shri Raghunath Singh.

Shri Nand Lal Sharma (Sikar): Please give me only two or three minutes to speak on the Bill.

Mr. Chairman: I am sorry I cannot. The hon. Minister has to reply after the hon. Members have spoken and there is not much time left.

Shri Nand Lal Sharma: I wish to bring out a point of view which has not been expressed so far.

Mr. Chairman: But the hon. Member stands up so late. I am calling only those Members who stood up first.

Shri Nand Lal Sharma: I am standing up so often.

Mr. Chairman: I am sorry I cannot allow him now to speak.

श्री रघुनाथ सिंह : सभापति जी, मैं हेल्थ मिनिस्टर साहिबा को बहुत धन्यवाद देता हूं कि उन्होंने इतना सुन्दर विधेयक यहां उपस्थित किया। मैं कुछ बातें आप के सम्मुख मैजिक के सम्बन्ध में उपस्थित करना चाहता हूं। हमारे यहां उत्तर भारत में और दक्षिण भारत में एक मैजिक होता है। साउथ में उसको शक्तिबिंदी कहते हैं और उत्तर भारत में उस को हौवाना कहते हैं। स्त्रियां कभी बड़ के पेड़ के नीचे कभी पीपल के पेड़ के नीचे इकट्ठी हो जाती हैं या किसी साधू या महात्मा आ गये तो सैंकड़ों की तादाद में स्त्रियां बैठ जाती हैं, बाल खोल लेती हैं। और हौवाने लगती हैं। इससे यह माना जाता है कि उसका रोग अच्छा हो जायगा या व्याधि अच्छी हो जायेगी। कभी कभी स्त्री को कोई कुछ पीने को देता है लेकिन उस से उस का रोग अच्छा नहीं होता बल्कि उसका स्वास्थ्य दिन प्रति दिन खराब होता जाता है और कुछ दिन बाद उस का देहान्त हो जाता है। इस प्रकार की जो चीजें हैं या जो साधू फकीर आदि इस प्रकार से घूमा करते हैं और डुग्गी पीटा करते हैं कि हमारे यहां स्त्रियां आयें औ उनके सब रोग अच्छे हो जायेंगे। मैं समझता हूं कि इस पर भी रोक होना चाहिये।

दूसरी बात यह है कि वशीकरण मंत्र और सम्मोहन मंत्र वगैरह का भी बहुत ऐडवर्टाइजमेन्ट होता है। वशीकरण मंत्र और सम्मोहन मंत्र में यह होता है कि आदमी कहते हैं कि फलां स्त्री तुम्हारे पास आ जायेगी, या जिस स्त्री को तुम स्नेह अथवा प्रेम करते हो वह तुम्हारे पास आ जायेगी। इस प्रकार की बहुत सी चीजें हैं। और बहुत से लोग

[श्री रघुनाथ सिंह]

भोलेभाले आदमियों ो परेशान करते हैं और साधू ामधारी लोग और फ़कीर लो उन से फायदा उठाते हैं ।

साथ ही साथ आजकल अगर आप हिन्दी और उर्दू के अखबारों के एडवर्टाइजमेंट देखें तो गर्भपात के विषय में अजीब अजीब ऐडवर्टाइजमेन्ट देखने में आते हैं, कि इस चीज़ के खाने से गर्भ नहीं रह सकता, गर्भपात हो जाता है । और मैं आपको बताऊं कि किस प्रकार से होता है कोई प्रेग्नेन्ट स्त्री, गर्भवती स्त्री इसका सेवन न करे अन्यथा गर्भपात हो जायेगा । कहते क्या हैं कि इस दवा से मासिक धर्म ठीक से होता है, लेकिन ऐड-वर्टाइजमेन्ट में दिया जाता है कि गर्भवती इस का सेवन न करे नहीं तो गर्भपात हो जायगा । इसका मतलब यह हुआ कि जिस स्त्री के पेट में बच्चा है अगर वह इस दवा का सेवन करेगी तो गर्भपात हो जायेगा, उस के पेट का बच्चा गिर जायेगा । पर वह ऐडवर्टाइजमेन्ट इस तरह से दिया जाता है कि वह कानून की धारा के अन्दर न आये । इस प्रकार से आज कल हिन्दी और उर्दू के अखबारों में ऐडवर्टाइजमेन्ट आते हैं कि मासिग धर्म ठीक से होने लगेगा । अगर मासिक धर्म बन्द हो जाये और पेट फूले तो वह खत्म हो जाय । अर्थात् किसी स्त्री का मासिक धर्म बन्द हो जाय तो बताई हुई रीति से वह खुल जायेगा । यह भी वही चीज़ है कि जिस प्रकार से अगर किसी स्त्री के पेट में बच्चा हो तो उस की हत्या हो जाय ।

इसी तरह से कामिनी सम्मोहन का भी ऐडवर्टाइज़मेन्ट होता है । कामिनी सम्मोहन के प्रयोग करने से कोई भी स्त्री वश में हो सकती है । अब चाहे स्त्री वश में हो जाये या नहीं लेकिन इस प्रकार के ऐडवर्टाइज-मेन्ट होते हैं । इसी तरह से कामिनी सम्मोहन, कामिनी मदन बटी, कामिनी सम्मोहन बटी और साथ ही साथ सेक्स से सम्बन्धित चीजें हैं उन सब के ऐडवर्टाइज़मेन्ट होते हैं । इन को सब से पहले बन्द करने की आव-श्यकता है । इसी तरह से सफ़ेद दाग के लिये कहते हैं कि सफेद दाग की बीमारी सात दिन में नहीं रहेगी । दूसरा ऐडवर्टाइज़मेंट है श्वेत कुष्ट की अद्भुत जड़ी । हमारे यहां हिन्दुस्तान में जितना श्वेत कुष्ट है वह सब तीन दिन में आराम होता है । इसी तरह से सफेद बाल काला करने के और मधु प्रमेह के ऐडवर्टाइजमेन्ट हैं । मधु प्रमेह पांच दिन में आराम होता है । और उस एडवरटाइज़-मेन्ट में यह रहता है कि अगर सफेद बाल काला न हो या श्वेत कुष्ट अच्छा न हो तो रुपया वापस । आप मुकदमा दायर करके रुपया वापस ले सकते हैं । आप वकील हैं और समझ सकते हैं कि कौन तीन रुपये की औषधि के लिये मुकदमा दायर करेगा और किस तरह से वह रुपया वापस लेगा । यह चीज़ असम्भव है । एक चीज़ और है मोतियाबिन्द । हमारे यहां हज़ारों आदमियों की आखें इन औषधियों से नष्ट होती हैं । रेलों में अक्सर यह दवा बेचने वाले चलते हैं । मैं ने कई बार रेलवे मंत्री श्री लाल बहादुर जी से और श्री अलगेसन से प्रार्थना की है कि वह इनका रेलों में चलना रोकें । यह लोग कहते हैं कि हम दांत अच्छा करते हैं, आंख अच्छी करते हैं । वह लोगों की आंख में औषधी डाल देते हैं और उन के दांत तोड़ देते हैं । और बेचारे देहाती अपनी आंखें खराब करा लेते हैं और अपने दांत खो देते हैं । इसलिये मेरा कहना है कि सिर्फ एडवर्टाइज़-मेन्ट पर ही नहीं बल्कि इस तरह के दवा बेचने वालों पर भी कुछ न कुछ बंधेज होना चाहिये । आप वकील हैं । आप जानते हैं कि किस तरह ये लोग अदालतों में लोगों को दवायें बेचते

हैं। ऐसे लोगों के चारों ओर पचासों आदमी जमा हो जाते हैं और वह कहते हैं कि यह जंत्र ले जाओ इससे अच्छे हो जाओगे। और इस तरह से पचासों रुपया पैदा करते हैं।

मैं इस बिल का समर्थन करता हूं और आशा करता हूं कि इसका इतना प्रोपेगेंडा किया जायगा कि जिससे इसके द्वारा जनता का उद्धार होगा।

Rajkumari Amrit Kaur: Sir, I am glad that by and large this little Bill has received the support of a very large majority of this House. I am not going to say very much, except to answer some of the points that have been raised. As far as advertisements are concerned, I have got only a few extracts here which show their appalling nature and so there is no need for me to be enlightened about the types of advertisements that appear. Some step had to be taken to bring this evil to an end. I may say that almost every State—I naturally had to consult the States individually about this Bill—has welcomed this measure. After the measure was passed by the Council of States it has had an extremely good Press also. That should be an answer to my hon. friend who said that I was by this measure intruding on the liberty of the Press. I would ask him for a moment to turn his attention to the type of advertisement that comes under the scope of this Bill. The scope of this Bill, as he will notice, is very very limited. The definition of 'advertisement' given in sub-clause (a) of clause 2 includes "any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke." So it is not the Press alone that is concerned. I should have thought that Editors of newspapers would be glad if restrictions like this were put on them, so that the standard of their paper may improve and advertisements like this which are derogatory to human dignity prevented from seeing the light of day.

Now, I have been accused of not having given priority to the Food Adulteration Bill and of having brought this Bill before that. I must in all humility say that I have laid far greater emphasis on the Food Adulteration Bill. But I am not responsible for deciding the priority of business. It is a Committee of the House which decides which Bills should come up first before the House. That allegation cannot, therefore, be laid at my door.

One hon. Member raised the question of foreign drugs. Now foreign drugs are not allowed to be imported without an import licence. So I have a check at my disposal.

In regard to concessions to doctors, it was suggested that the clause relating to it should be eliminated entirely. The reason for exempting registered medical practitioners from the operation of the Act is that after all they are presumed to be sensible people who are interested in the quality of the medicines with which they deal. We have to trust those who have been registered, who have been given the responsibility of propagating the art of healing. If any medical practitioner finds that there is a certain medicine which is efficacious in the treatment of any of the diseases specified in the Bill he should have the right to send it to a laboratory where it can be scientifically tested. Similarly, chemists and druggists should know the properties of a drug before they can undertake its sale. Advertisements confidentially sent to chemists and druggists are meant for the purpose of acquainting them about the nature and properties of drugs in question. I would not mind if the drugs that were advertised possessed the properties attributed to them. But they do not. That is why they are dangerous to health and ignorant people are deceived. Self-medication is a thing that should be tried to be stopped at any cost.

[Rajkumari Amrit Kaur]

As far as doctors are concerned, we can take action against them under the Indian Medical Act. The other point raised was that really the root of the matter is that people go in for drugs which are advertised in this way because we are not able to give the medical aid that we should. In this respect we are trying our best. The report of the Pharmaceutical Committee is awaited and Government will try to undertake the manufacture of drugs in our own country so that they will in due course become cheap and will be available to the public. The Penicillin Factory will begin production this year; the DDT factory also will go into production shortly. So, we are not absolutely idle in this regard.

I also feel that the law should be enforced with vigour, as one hon. Member suggested. At the same time the power to exempt from the application of the Act, will protect all those who, as some Members of the House felt, might be unduly penalised under this Act. Then again there is the power to make rules, under clause 16. Some valuable suggestions have been made as for example in the case of booklets. We shall try to accommodate all useful suggestions.

I think I have answered all the points that have been made in the course of the debate. I would like to thank hon. Members for the support that they have given to the measure and I shall be glad to see it on the statute-book as quickly as possible so that we may begin to take action against this evil.

Mr. Chairman: The question is:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clause 2.—*(Definitions)*

Mr. Chairman: Now, I shall put clause 2 to the vote of the House.

श्री झुनझुनवाला । (भागलपुर मध्य) : I want to put a question.

मैं मंत्री महोदय से यह पूछना चाहता हूं कि यदि हम को किसी दवाई से फायदा हुआ या किसी मंत्र से फायदा हुआ है और वह चीज़ मैजिक्ल समझी जाती है, मैं यदि इस बात को किसी को कहूं कि अमुक चीज़ से मुझ को लाभ हुआ है तो क्या मैं इस डेफीनीशन के अनुसार गुनहगार हो जाऊंगा । यह जो इस क्लाज़ में कहा गया है ।

"advertisement includes any notice, circular, label, wrapper or other document and any announcement made orally or by any means of producing or transmitting light, sound or smoke."

तो एनाउन्समेंट के माने हुए कि पबलिक मीटिंग में कहा जाय या मैं कुछ आदमियों से कहूं कि इस दवाई से मुझ को फायदा हुआ है, या मंत्र से हम को फायदा हुआ है तो मैं गुनाहगार हो जाता हूं ।

श्री आर० के० चौधरी : पार्लियामेंट में इसको कहने से गुनहगार हो गये ।

श्री झुनझुनवाला : चौधरी साहब पूछते हैं कि मैं ने यह जो बात पार्लियामेंट में कही, तो क्या मैं गुनहगार समझा जाऊंगा ? मेरी समझ में यह बड़ा सीरियस मैटर है ।

Mr Chairman: In Parliament, you may say anything without incurring any liability. May I know if the hon. Minister would like to reply?

Shri Biswas: My friend's fears are groundless. After all, it is going to be a criminal offence and the offence has got to be proved. If, for instance, somebody simply publishes that will not constitute a penal offence and the definition protects any such person.

An Hon. Member: How?

Shri Biswas: After all, it is going to be an offence; there will be a magistrate who will try and the prosecution has got to prove that the offence has been committed. The first element in criminal offence is criminal intent. In such cases, there is no criminal intent.

Mr. Chairman: May I request the hon. Member to kindly look into this? Supposing a person takes an advertisement fixed on a bamboo in a bazar and in that process he carrying it takes part in the publication of the advertisement without his knowledge. He will be guilty and no question of criminal intent or knowledge will arise.

Shri Biswas: We have got to see whether the advertisement comes within the purview of this Act.

An Hon. Member: That is a different matter.

Mr. Chairman: First of all it must be proved that the advertisement comes within the purview of this Act and secondly that he took part though it may be without any knowledge whatever.

Shri Biswas: That may be so or may not be so, but the advertisement itself must be obnoxious within the meaning of this Act. The case of a person who commits the offence without knowing that he commits the offence is covered by clauses 3 and 4...

Shri Jhunjhunwala *rose*—

Mr. Chairman: There is no question of replying; I am putting the clause to the vote of the House.

Shri Jhunjhunwala: I just want to make one more point clear. The hon. Minister has said that in order to prosecute under this Act, there must be criminal intention. If I put an advertisement, I have no criminal intention; I honestly believe that this medicine is going to do good. Therefore, I have no criminal intention in me. It may be that it may not prove good but that is what I believe in. Therefore, I do not know whether this question of 'criminal intention' can come in.

Shri Biswas: The onus of proof will be on the prosecution.

Mr. Chairman: I shall put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (*Prohibition of advertisement of drugs for treatment of diseases etc.*)

Mr. Chairman: Shri Dabhi.

Shri Dabhi: I have not given any amendment to clause 3.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (*Prohibition of misleading advertisements relating to drugs.*)

Shri Dabhi: I beg to move:

In page 2, after line 38, add:

"*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie upon the person making the claim."

Clause 4, as it is reads thus: "Subject to the provisions of this Act, no person shall take any part in the

[Shri Dabhi]

publication of any advertisement relating to a drug if the advertisement contains any matter........."

Under the ordinary Evidence Act, the burden of proof that a particular claim is false would lie on the prosecution, but we know that these cures and various drugs and the obscene advertisements try to make all claims about efficacies of their drugs, talisman etc. and so they must prove that their claims are proper and they are not false. So, I plead that the burden of proof that the claims they make are not false should lie upon the accused.

Mr. Chairman: Amendment moved:

In page 2, after line 38, add:

"*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie upon the person making the claim.".

Shri Sadhan Gupta (Calcutta-South-East): Might I speak on the motion—not on this amendment but on the whole clause?

Mr. Chairman: Let me first finish this.

Rajkumari Amrit Kaur: I feel that this amendment is hardly necessary because if an advertisement containing any false matter makes a false claim for the drug and if there is such an advertisement, it should not be a difficult matter for the prosecution to prove that it is false, particularly because the drug is there and it can be tested and information about its in-efficacy in certain matters could be had and that would also be in consonance with the ordinary criminal law.

Mr. Chairman: I shall put it to the vote of the House.

The question is:

That in page 2, after line 38, add:

"*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie upon the person making the claim."

The motion was negatived.

Shri Sadhan Gupta: Mr. Chairman, we have heard high opinions about the policy behind the Bill from all sides of the House. There have been a few opposition voices but they have not been very impressive and by and large, I agree with the hon. Minister that the Bill has been supported.

That is not what I can say of clause 4 of the Bill. Clause 4 of the Bill is positively mischievous. What it seeks to do is this: it says: subject to the provisions of this Act, no person shall take any part in the publication of any advertisement relating to a drug if the advertisement contains any matter which directly or indirectly gives a false impression regarding the true character of the drug and makes a false claim for the drug or is otherwise false or misleading in material.

Now, advertisements are not banned as such. I could have understood if certain advertisements were classed as objectionable and were totally banned. What is sought to be done here is to permit advertisements but at the risk of incurring penalty, if the statements in the advertisements are false. Now, that is an extraordinary thing in criminal jurisprudence. As you rightly pointed out, there is no question of criminal intent here. If the objection happened to be that the advertisement itself was false, makes a false claim or was misleading in any material particular, then the persons would liable to penalty. Now, who are the persons? They are those who take part in the publication. That would cover an infinitely large number of persons. For example, if it was done in a newspaper, it would perhaps cover the person who is in charge of the advertisement section who sends in the advertisement; it would cover the

compositor who composes the advertisement, and it would cover the innocent hawker who hawks the newspaper. This is a kind of provision which cannot be tolerated. The point is, we know of a gentleman called Draco who lived in ancient times in Athens. He wanted to enforce certain moral codes, but his punishments were so severe that the whole policy recoiled upon him and instead of having the desired result it brought universal condemnation. This Clause of the Bill as at present is quite likely to be a very objectionable engine of oppression upon the press and other persons, and it may be that by reason of this particular Section, the whole Bill itself, which is such an admirable Bill, will be subject to condemnation and regarded as a most repressive Bill by all, by individuals and by the country in general. Therefore, I submit that this clause should not stand part of the Bill. This should be rejected and, if necessary, some alternative clause which would be more reasonable and more rational may be included in the Bill. But, this particular Clause is absolutely irrational and should be rejected.

Shri Biswas: I do not think that there is need for any reply. After all, if there is to be a successful prosecution, all the things which are mentioned in clause 4 will have to be established. I suppose my hon. friend would be pleased to see that the onus of proof in respect of all these elements has been thrown upon the prosecution. It has got to be proved that the advertisement is directly or indirectly giving a false impression as to the true character of the drug; that it is making a false claim; or, it is otherwise false or misleading in any particular material. Therefore, all these things have got to be proved by the prosecution before any charge can be established against any person. May be, Sir, as you said, innocent persons might be taking part in the publication, but the offence will not be established unless the advertisement itself comes within the terms of clause 4—in other words, it must fall under (a), (b) or (c) and in each of these cases the burden of proof will be upon the prosecution. Therefore, that ought to be a complete protection.

Shri Sadhan Gupta: May I know where the question of criminal intent comes? The advertisement may be...

Mr. Chairman: Order, order. The hon. Member has given his argument and it has been replied to. If there is cross-questioning, then it will have to be again replied to by the hon. Minister. The hon. Minister cannot be compelled to give replies to cross-questions like that.

Shri Sadhan Gupta: Sir, if you are satisfied, then I have no objection.

Mr. Chairman: It is not a question of my being satisfied. The hon. Law Minister has already given the reply.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—(*Prohibition of advertisement of magic remedies for treatment of diseases etc.*)

Dr. Rama Rao: I beg to move:

In page 2, line 42, after 'shall take' insert 'directly or through others'.

This may probably be implied, but I am not sure, I want to specify that a person, either directly or through others, should be prohibited. It very often happens that a person does not himself take steps but others do on his behalf. So, my point is that it must be pointed out that even if others do so on his behalf or at his request, he shall be liable to be proceeded with.

12 Noon.

Rajkumari Amrit Kaur: Sir, as the words "directly or indirectly" are there, the point raised by the hon. Member is covered.

Mr. Chairman: Does the hon. Member wish me to put the amendment to the vote of the House?

Dr. Rama Rao: No. I do not press it.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 *was added to the Bill.*

Clause 6 *was added to the Bill.*

Clause 7.— (*Penalty*)

Shri Dabhi: I beg to move:

In page 3, line 9, for "punishable" substitute "punished".

Sir, I am not moving my amendment number 7, but I wish to move my other amendment number 15.

Mr. Chairman: Yes.

Shri Dabhi: I beg to move:

In page 3, line 13, for "or with fine, or with both" substitute "and with fine."

Sir, giving and publishing of these objectionable and obsence advertisements relating to spurious drugs and so-called magic remedies is a highly antisocial act and deprives the public both of their money and morals. So, I submit that it is absolutely necessary that severe punishment should be awarded for those who do the offence. The hon. Health Minister said that she wanted that the provisions of the Bill should be regorously enforced. Therefore, my suggestion is that a second offence—see clause 7, sub-clause (b) committed under this Bill should be punishable not only with fine, but both with fine and imprisonment. There is a precedent for this. We know of the Adulteration Bill which is pending before this House and on which the Select Committee has also reported. This Bill has been moved by the hon. Health Minister herself. In this Bill, under clause 16 (i) (b), the punishment provided for the second offence is imprisonment for a term which may extend to two years and with fine. In the same way, for a third offence and subsequent offences, the penalty provided is imprisonment for a period which may extend to four years and with fine. Not only this, but under this clause of the Adulteration Bill, the minimum penalty is also provided. So, my submission is that, this is also an equally objectionable and anti-social offence and therefore, there should be both fine and imprisonment. I do not understand why, if we want to suppress these things, provision should not be made in the Bill for punishment with both imprisonment and fine. Sir, if we accept that for a second offence, punishment should be with both fine and imprisonment, then it is absolutely necessary that instead of the word 'punishable', it should be 'punished'.

I have the authority for giving this interpretation. There is a Full Bench decision of the Bombay High Court reported in A.I.R. 1949 Bombay 41, Emperor vs. Peter DeSouza. There, Their Lordships were interpreting section 43 of the Bombay Abkari Act, which reads thus:

"Whoever, in contravention of this Act... on conviction, be punishable for the first offence with imprisonment for a term which may extend to six months and with fine which may extent to Rs. 1,000."

So, section 43 of the Bombay Abkari Act. provides for both fine and imprisonment. But the word used is "punishable." Therefore, the Magistrate who convicted that man punished him only with fine. Therefore, the Government of Bombay appealed to the Bombay High Court that the man should be punished with both fine and imprisonment, because, under the law, it is stated that the punishment would be both fine and imprisonment. But then, Their Lordships came to the conclusion that the word "punishable" imports

discretion and it has left the discretion to the court—whether the punishment should be with fine or imprisonment or with both. So, when the Bombay Prohibition Act was enacted by the Bombay Legislative Assembly, in section 65, the word "punished" instead of the word "punishable" was used. Therefore, I would submit that if we want to punish such offences, when we want to give a deterrent punishment, it is absolutely necessary that the punishment provided should be both fine and imprisonment. Therefore, as the hon. Health Minister has accepted similar amendments made by the Select Committee in the Adulteration Bill, I do not see any reason why in this case my amendments cannot be accepted.

Mr. Chairman: Amendments moved :

(i) In page 3, line 9, for "punishable" substitute "punished".

(ii) In page 3, line 13, for "or with fine, or with both" substitute "and with fine".

Shri Kasliwal (Kotah-Jhalawar): I beg to move:

In poge 3, line 11, after "or with fine" insert "amounting to Rs. 500".

The words "amounting to Rs. 500" are to be added. I do not know whether the hon. Minister would be prepared to accept it.

I beg to move:

In page 3, line 13, after "or with fine" insert "amounting to Rs.1,000".

Shri Gadilingana Gowd (Kurnool): I beg to move:

(i) In page 3, line 11, after "or with fine" insert "of not less than rupees one thousand".

(ii) In page 3, line 13, after "or with fine" insert "of not less than rupees two thousand".

This is a very good measure. I am of opinion that the violations of this law must be met with severe punishment. Therefore, I have moved the first amendment.

Regarding my second amendment, discretion is given to the court, as regards conviction. If the court comes to the conclusion that it could fine the accused, it can fine the accused according to its discretion. No definite amount has been fixed. I do not want that the court should be given the discretion of fining lightly, that is, imposing a smaller amount as fine. I therefore suggest that a minimum fine of Rs. 1,000 for first offences and Rs. 2,000 for subsequent offences, as minimum, be fixed.

Mr. Chairman : Amendments moved:

(i) In page 3, line 11, after "or with fine" insert "amounting to Rs. 500".

(ii) In page 3, line 13, after "or with fine" insert "amounting to Rs. 1,000".

(iii) In page 3, line 11, after "or with fine" insert "of not less than rupees one thousand".

(iv) In page 3, line 13, after "or with fine" insert "of not less than rupees two thousand".

Rajkumari Amrit Kaur : No two Bills are analogous. So, the argument that because imprisoment and fine have been put down in one Bill, they should be included in this Bill also, is not valid. I have a feeling that it is better to leave the power to impose a fine to the discretion of the magistrate. I prefer to leave it to the discretion of the magistrate, whether he should impose punishment with fine and with imprisonment, or impose punishment with fine and without imprisonment, or with imprisonment only. I think it will be better to leave it as it is.

In regard to the word "punishable" being changed to "punished",—I am not a legal expert—I should have thought that "an act shall, on conviction, be punishable." means that whoever is convicted will be punished. Therefore, I oppose the amendment.

Shri Kasliwal: I beg to withdraw my amendments.

The amendments were, by leave, withdrawn.

Mr. Chairman: The question is:

In page 3, line 9, for "punishable" substitute "punished".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 11, after "or with fine" insert "of not less than rupees one thousand".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 13, for "or with fine, or with both" substitute "and with fine".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 13, after "or with fine" insert " of not less than rupees two thousand".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Chairman: The question is:

"That clauses 8 to 13 stand part of the Bill."

Shri Dabhi: One point for clarifiction regarding clause 10.

Mr. Chairman: Then, let me put the other clauses.

The question is:

"That clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill

Shri Dabhi: I want to know whether there is any provision showing whether the offences under this enactment are cognizable or not. Nowhere it was stated that the offence would be cagnizable. I think the whole intent of the Bill is that the Government should launch prosecutions. But nowhere is it made clear whether the offences should be made cognizable or not. Otherwise, it could be said that the offences are not cognizable.

Mr. Chairman: The hon. Member raises a question and answers it himself. The Bill does not say whether an offence is cognizable or not. It is left to the ordinary rules of interpretation. So far as Clause 10 is concerned, it deals with courts trying the offence.

The question does not arise.

The question is:

"That clause 10 to 13 stand part of the Bill."

The motion was adopted.

Clauses 10 to 13 were added to the Bill.

Clause 14.— (*Savings*)

Dr. Rama Rao: I beg to move:

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)" and "(e)" substitute "(a)", "(b)", "(c)" and "(d)" respectively.

I have already spoken, and the hon. Minister explained. But I am not satisfied unfortunately. The first thing that the hon. Minister wants is that she should be kind to the medical profession. But in my opinion it is only cruel kindness, which is derogatory to the highest standards of medical ethics. In fact, this law permits any registered medical practitioner to put in such an advertisement. Supposing, for instance, a doctor advertises or displays in his sign board or notice that he can cure veneral disease with a couple of injections, in forty-eight hours, can he be permitted to do it? That is not actually done in India, but

I would urge that the name of such a medical practitioner should be removed from the register. I would request Government to withdraw these special concessions to medical men, which are rather defamatory to the medical practitioners.

Mr. Chairman : Amendment moved:

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)" and "(e)" substitute "(a)", "(b)", "(c)" and "(d)" respectively.

Shri C. R. Narasimhan : I strongly object to Dr. Rama Rao's proposal. I submit that our policy must be dual in this respect. It should be destructive of all bad advertisements on the one hand; and on the other, it should be giving support to advertisements by good professional men. Otherwise, we shall be robbing the illiterate people of the right method of treatment. If this permission given under this clause is likely to lead to abuse by the medical practitioners, I submit that the Indian Medical Practitioners Act will take care of such cases. Therefore, I support the hon. Minister.

Shri Barman (North Bengal-Reserved-Sch. Castes) : I oppose the deletion suggested by Dr. Rama Rao, because I think it would rather be too hard on the people who live in the outlying areas. It is very necessary that a medical practitioner should be allowed to display on his sign-board or notice the diseases which he can cure. Otherwise, the people cannot know what sort of diseases he is competent to treat. He may be an obstetrician or an expert in some other disease, but unless there is some indication on the notice-board, the people cannot know which doctor to approach for which diseases. I would rather like that this permission should be confined not only to the display on the notice-board, but it should also be allowed to be published in the newspapers. I am having in mind here, the people living in the outlying areas in the interior of the rural areas. When they are attacked with diseases, certainly they want to be treated by the best medical practitioner. There are eminent physicians and medical practitioners in cities like Calcutta and Bombay, but if there names cannot be published in the newspapers, the people in the rural areas cannot know about it. But if the names of those practitioners could be allowed to be published in the newspapers together with the diseases that they are capable of curing, the people in the rural areas might at least be enabled to correspond with them, and thus have the best treatment at least from a distance. Otherwise, they will be obliged to have recourse only to the nearest medical practioner, who may not be in a position to give them the best advice possible, and the people will have to be contented with the treatment that he provides.

So, not only do I oppose the deletion, but I would also request the hon. Minster to allow the publication of such advertisements in newspapers.

Mr. Chairman : I do not think it will be necessary for the hon. Minister to reply.

Rajkumari Amrit Kaur : The points raised have already been replied to.

Mr. Chairman : The question is :

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)", and "(e)", substitute "(a)", "(b)", "(c)" and "(d)" respectively.

The motion was adopted.

Mr. Chairman: The question is:

"That clause 14 stand part of the Bill."

The motion was negatived.

Clause 14 was added to the Bill.

Clause 15.—(*Power to exempt from application of Act*)

Shri Kasliwal : Clause 15 relates absolutely to specified drugs or class of drugs, and a certain amount of relaxation is provided for in the prohibitions made in clauses 3, 4, 5, and 6. My submission is that clause 5 should not have been included here, because that clause does not relate to drugs at all, but to magic remedies. It is my view that there should be no relaxation in the prohibition of magic remedies. So, I beg to move :

In page 4, line 47, omit "5".

Mr. Chairman : Amendment moved:

In page 4, line 47, omit "5".

Rajkumari Amrit Kaur: Magic remedies may also be in the shape of drugs. I do not understand the hon. Member's objection to the inclusion of clause 5.

Mr. Chairman : The question is :

In page 4, line 47, omit "5".

The motion was negatived.

Shri Dhulekar (Jhansi Distt.—South): I am very much surprised that almost the whole Bill has been passed by the House. But clause 15 makes it nugatory, because under this clause, power is given to grant exemptions from the application of this measure. Clause 15 reads:

> "If in the opinion of the Central Government public interest requires that the advertisement of any specified drug or class of drugs should be permitted, it may, by notification in the Official Gazette, direct that the provisions of sections 3, 4, 5 and 6 or any one of such provisions shall not apply..."

What does clause 3 relate to? It relates to the prohibition of advertisement of drugs, firstly, for the procurement of miscarriage in women. Will the Central Government permit any person to advertise that such and such a drug will procure miscarriage?

Now, clause 4 relates to an advertisement which directly or indirectly gives a false impression regarding the true character of the drug. Even this prohibition is sought to be taken away under clause 15, because, if in the opinion of the Central Government, public interest requires that such a false advertisement may be made in the papers, the person concerned will get permission to do so. I wish to submit that a lot of mischief can be brought about by this provision. I do not think in the Health Ministry, the Director-General of Health Services or the hon. Minister of Health, are going to deal with this matter and administer the provisions of this measure. It is the office that is going to deal with the applications. Suppose a small person in the office is corrupt, he may take a thousand or two thousand rupees from the person concerned, and give premission to put in such advertisements. Therefore, I believe that this clause is very mischievous. I would submit that the hon. Health Minister has been wrongly advised in this respect, because no drug should be allowed to be advertised either by the Central Government or by anybody else, saying that it will procure miscarriage. I would suggest that Government should not allow any person to put in an advertisement in a newspaper saying that the Central Government have given him permission to do so. I am unable to understand this particular provision.

Clause 3 relates also to an advertisement of a drug for the maintenance or improvement of the capacity of human beings for sexual pleasure. I cannot understand how the Central Government can allow an advertisement in regard to *tila*.

Mr. Chairman: Order, order. The hon. Member is going through each part of these clauses. There is no use going into each clause like this The main point of the hon. Member is that such a power should not be given to Government. That is all. But he is referring now to the details of clauses 3, 4, 5 and 6; those details need not be referred to now. A person can easily understand from this clause that there may be cases in which Government may give exemption, and they may be justified. The

hon. Member is objecting to this power being given to Government. This point has already been explained by him. But if he proceeds to refer to each part of these clauses, it will take a very long time.

Shri Dhulekar: Thank you.

Now, it passes my imagination how the Central Government can permit the advertisement of a magic remedy.

> "No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part..."

Now, under this clause, the Central Government can give permission to a person who is carrying on the work of giving magic remedies and that man can be protected. On the one hand, you say that these are unscientific; on the other, you will say they are scientific and things like magic remedy will be supported. I do not know what tribunal will be there and what it will decide—that this remedy can be permitted by the Central Government. I would certainly request the hon. Minister that at least in obedience to the laws of our mind and intellect, we should take away this word 'magic' and permit nobody to indulge in it. Nobody will be harmed if clause 5 is taken away from the purview of this clause. Then, further clause 6 is also there—prohibition of import into, and export from, India of certain advertisements. I am very much afraid that by this inclusion foreign people can get exemption in regard to the import of these things which are mentioned as objectionable, obscene and dangerous to the nation, while the Indian people will be deprived of that. The American people and the British people and others may print thousands and lakhs of advertisements and their import will be permitted under a licence issued by the Central Government.

Shri S. S. More (Sholapur): That is the objective.

Shri Dhulekar: I feel that this should not be allowed. I would submit to the hon. Minister that this is a very great injustice to my countrymen. If my countrymen produce anything, they may be discriminated against, because the foreigners may send in remedies—there are so many remedies like penicillin and other things—which are doing so much harm to our country. Thousands of advertisements may be brought in under a licence. I will say that this is very dangerous. I would certainly request the hon. Minister to give us an assurance that no foreign company or foreign drugs manufacturer will be given preference on this account, and further that *ayurvedic* remedies may not be tabooed and they may not be suppressed, because this clause smacks of it. Everything is placed in the hands of the Central Government. The foreigner will be allowed to pour in all kinds of advertisements while in regard to our advertisements of *ayurvedic* drugs, they will say 'this is all magic, this is unscientific; this is all foolish'. In regard to foreign drugs, the foreigners may say "Penicillin takes you to the other world and also gives *swaraj*".

Rajkumari Amrit Kaur: It is scarcely likely that the Government of India, which has brought in this particular Bill, will make it nugatory by vetoing everything that it wants to do. After all, this exemption from application is an ordinary thing which should be in the hands of the Government, and I would like to assure the hon. Member that it is not at the back of the mind of the Ministry of Health to act against any particular system of medicine or favour any particular system of medicine. It is just to get rid of an evil. As far as foreign advertisements are concerned, they certainly will be liable to the same standards as any other, and this point can be checked at the time of making rules.

Shri S. S. More: Who will lay down the standard?

Mr. Chairman: The question is:

> "That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Rajkumari Amrit Kaur: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Several Hon. Members *rose*—

Mr. Chairman: I am very sorry. It is already 12·30 and there are two more Bills to be gone through in another 45 minutes.

Shri H. N. Mukerjee (Calcutta North-East): May I have five minutes?

Mr. Chairman: At the consideration stage also I permitted many Members to speak. I am very sorry I cannot allow any more. If we are to do the business according to our time-table...

Shri H. N. Mukerjee: On Saturday we finished the High Court Judges (Conditions of Service) Bill in about half an hour or less time. So perhaps for this Bill you will give us a little more time because...

Mr. Chairman: The hon. Member must know that even that time has been taken into account. I have got 4 hours and 46 minutes and according to that, we will be behind our time-table in regard to these four Bills...

Shri H. N. Mukerjee: Only five minutes. I will be shorter than that.

Mr. Chairman: What about others? There are three or four gentlemen who want to speak. Shri Nand Lal Sharma also wanted to speak.

Shri Damodara Menon (Kozhikode): I want a clarification from the Minister.

Mr. Chairman: Now it is too late.

Shri Damodara Menon: I will ask one question only.

Mr. Chairman: Yes.

Shri Damodara Menon: I want to know how the publisher of a newspaper, for example, if he gets an advertisement of an *ayurvedic* drug or even of an allopathic drug, is to judge whether that drug really makes a false claim or otherwise it is misleading? Is there any machinery the Government are likely to set up to which the newspaper can make a reference?

Mr. Chairman: Order, order. This point was already made by some of the Members, and then the hon. Law Minister who was here tried to explain it. If it is not satisfactorily explained, according to the view of the hon. Member, it cannot be helped. This very question was raised; this was argued and I am sorry that the hon. Member does not think the reply was satisfactory. The chair cannot help it.

Shri S. S. More: No prosecution will stand.

Mr. Chairman: That is a different matter. I can understand the hon. Member's point of view. The point has already been debated. And at this stage, the question is whether the Bill ought to be passed.

Shri Damodara Menon: I am only pointing out a real difficulty which...

Mr. Chairman: The real difficulty was laid before the hon. Minister. He attempted to reply it, but the reply, according to the hon. Member, is not satisfactory. That is the difficulty. The question was raised; it is not that the question was not raised. I am sorry I have to put the motion to the vote of the House now.

Rajkumari Amrit Kaur: I will explain it to him afterwards.

Several Hon. Members *rose*—

Mr. Chairman: I am sorry the House is committed to this time-table. I will request Members not to press this. I may allow a Member, but then if I allow him for five or ten minutes,

others will stand up and I will not be able to ask other Members not to speak. That is my difficulty. So I will request hon. Members to kindly allow me to put the motion to the vote of the House. If they are very insistent, I will allow Shri Nandlal Sharma, but then he should be the only exception.

श्री नंद लाल शर्मा (सीकर) : माननीय सभापति जी, मुझे दो शब्द मैजिक शब्द के प्रयोग के सम्बन्ध में कहना है। मैं माननीया स्वास्थ्य मंत्रिणी महोदय के उद्देश्य का सर्वथा समर्थन करता हुआ भी यह समझता हूं कि गृह विभाग के अनुसार धोखादेही, प्रवंचना और दुश्चरित्रता का प्रचार इन दो दृष्टिकोणों से रोकने का आदेश है। इस के अतिरिक्त किसी बात को मैजिक कह देना उसी प्रकार से है जैसे कि कुत्ते को पागल कह कर उस को मारना। मैजिक शब्द का अर्थ जहां तक मैं समझता हूं, यद्यपि इसका कोई लक्षण इसमें दिया नहीं है, यह है कि हम किसी वस्तु का डेफिनिशन नहीं कर सकते, जैसे किसी बात को जो कि हमारे समझ में न आये, हमारे कुछ बंधु सुपर्स्टिशन कह कर पुकारते हैं, सुपर्स्टिशन यह है कि जिस का रीजन, जिसका काजेशंन हमारी समझ में न आये, यदि हम कार्य और करण का सम्बन्ध बतला सकें तो उस दशा में वह सुपर्स्टिशन या मैजिक कोई स्थान नहीं रखता

भारतवर्ष में जिस समय से विदेशी लोग आये, भारतीय तत्व को वह सभी जगह सुपर्स्टिशन के नाम से पुकारते रहे, अंध विश्वास के नाम से पुकारने का फल यह हुआ कि सारे के सारे आदमियों ने जिन के पास आध्यात्मिक और आधिदेविक शक्ति थी वह सब के सब उस को भूल गये। मेरा इसलिये निवेदन है कि यह बिल बीसवीं सदी का न कहला कर उन्नीसवीं सदी का कहलायेगा उस परिस्थिति में जब कि आज यूरोप और अमरीका में साइकिक रेमेडीज़, साइको एनेलेसिस और कितने ही मनोवैज्ञानिक प्रकार के उपायों द्वारा चिकित्सा चलायी जा रही है। उन सबको हम न जानकर यहां पर मैजिक के नाम से कहें तो उचित नहीं होगा। आयुर्वेद की बहुत सी औषधियां जिनको कि हम पहचानते नहीं हैं उनके बारे में हम ऐसा ही कहते हैं। एक वस्तु का विरोध मैं अवश्य करता हूं और उस सम्बन्ध में मैं स्वास्थ्य मंत्रिणी महोदया के भावों से सर्वथा सहमत हूं कि जो लोग अपने को जादूगर कहकर अपना व्यापार चलाते हैं या व्यभिचार के फैलाने वाले कार्य करते हैं उस सम्बन्ध में ध्यान होना आवश्यक है। परन्तु मैं जानना चाहता हूं कि बोना फाइडीज़ और मैलाफाइडीज़ का कैसे ज्ञान होगा कि कौनसी वस्तु मैजिक है। मंत्र शास्त्र, तंत्र शास्त्र और यंत्र शास्त्र तीनों में अविश्वास रखने वाला व्यक्ति भारतीय सभ्यता से अपने आपको सर्वथा अनभिज्ञ सिद्ध करेगा। वे अपना स्वयं नुकसान करते हैं। जादू वह है जो सर पर चढ़ कर बोले। जस्टिस वुडरफ ने अपनी पुस्तक 'इज़ इंडिया सुपरस्टीशस' में लिखा है कि हम भी पहले सोचा करते थे कि भारतवर्ष के लोग मंत्र शास्त्र में विश्वास करते हैं इसलिये मूर्ख हैं और मैजिक में विश्वास करते हैं। लेकिन वे कहते हैं कि 'दिस इज़ ऐ साइंस बाई इटसेल्फ'। जब तक हमने उस साइंस को देखा नहीं, उसका अनुसन्धान नहीं किया, उसके पहले ही हम कह देते हैं कि इसमें कोई रीज़न नहीं है, कोई कार्य कारण सम्बन्ध नहीं है, केवल मात्र मैजिक है और इसका परित्याग कर देना चाहिये। यह अनुचित है। अस्तु मेरा स्वास्थ्य मंत्रिणी जी से यही निवेदन है कि वह मैलाफाइडीज़ और बोनाफाइडीज़ को जानने के लिये कोई न कोई उपाय अवश्य रखें। माननीय श्री घुलेकर जी ने जो बात कही है वह ध्यान आकर्षित करती है आयुर्वेद के सम्बन्ध में निरन्तर सौतेली मां का जैसा व्यवहार चल रहा है। यदि सेंट्रल गवर्नमेंट के अन्दर

[श्री नंद लाल शर्मा]

एलोपैथ्स भरे रहेंगे तो वह किसी प्रकार भी आयुर्वेदिक औषधियों को स्वीकृति प्रदान नहीं कर सकते। मैं देखता हूं कि कुम्भ के अवसर पर टीका अनिवार्य करके लोगों को तंग किया गया। पीछे जब देखा कि लोग वहां नहीं जा रहे हैं तो टीके का बन्धन हटा दिया। यह जानते हुए भी कि यह टीका आयुर्वेद के अनुसार अनिवार्य वस्तु नहीं है और यह जानते हुए कि बहुत से लोगों की धार्मिक भावना के प्रतिकूल यह पड़ता है, यह बराबर चलाया जा रहा है क्योंकि यहां डाक्टरों का बहुमत है और वह इसको चलाने को तैयार रहते हैं। इसलिए मैं स्वास्थ्य मंत्रिणी जी से निवेदन करूंगा कि नियम बनाते समय वह मैलाफाइडीज़ और बोनाफाइडीज़ का ध्यान रखेंगी। अन्य मित्रों ने मंत्र शास्त्र के बल से सर्प काटे के इलाज का और ग़र्भधारण का जिक्र किया है। इन चीजों का आपको पता चल चुका है। मैं भी कुछ ऐसी बातें कह सकता हूं। कह नहीं सकता बल्कि इन चीजों का मैं प्रदर्शन भी करा सकता हूं। लेकिन इन प्रदर्शनों से भी अन्ततोगत्वा पूर्ण लाभ होने वाला नहीं है। मैं कहता हूं कि यह स्वयं एक विज्ञान है और इसको जाने बिना सुपर्स्टीशन कह देना यह भारतीय बन्धुओं के द्वारा भारतीयता पर कलंक लगाना होगा। अपने घर की बात को न जान कर उसको खराब कह देना उचित नहीं है। हम बिना जाने अपने घर की चीज़ को बुरा कह देते हैं और बाहर से आने वाली चीज़ को अच्छा कहने लगते हैं, यह अच्छी चीज़ नहीं है। इस दृष्टिकोण को आपके सामने उपस्थित करना आवश्यक था।

मैं एक बात और कहना चाहता हूं। वह यह है कि गर्भ निरोध, गर्भ पात या गर्भ स्राव इन तीनों चीज़ों को चाहे आप मैजिक के तरीके से करावें या दूसरे तरीकों से करावें, चाहे यह काम आपके द्वारा स्वीकृत मैडिकल प्रोफेशन के आदमी करें, मैं समझता हूं कि सदाचार के दृष्टिकोण से इसका सदा विरोध करना चाहिए। यदि इसको आप ब्रह्मचर्य की शिक्षा द्वारा, इंद्रिय निग्रह की शिक्षा द्वारा या समाज के आचरण के स्तर को ऊंचा करके बन्द करना चाहें तो अच्छा रहेगा बजाय इसके कि आप डाक्टरों द्वारा इन कामों को होने दें। इससे जनता में दुश्चरित्रता का प्रचार होता है और यह बहुत बुरी बात है।

इन शब्दों के साथ मैं अपना स्थान ग्रहण करूंगा और आशा करूंगा कि स्वास्थ्य मंत्रिणी जी इन बातों पर ध्यान देंगी।

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

STATE ACQUISITION OF LANDS FOR UNION PURPOSES (VALIDATION) BILL

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): I beg to move:

"That the Bill to validate the acquisition under the Land Acquisition Act, 1894, of lands by certain State Governments for the purposes of the Union, and orders passed and proceedings held in connection therewith, as passed by the Council of States, be taken into consideration."

It is a very simple measure which seeks to validate certain acquisition proceedings undertaken by the State Governments between the 26th January, 1950 and the date of the entrustment of the functions of the Central Government under the Act to the States concerned. Before the introduction of the Constitution, the Provincial Governments were authorised under the provisions of section 127 of the Government of India Act, 1935, to acquire

lands for the purpose of the Central Government. Under the Constitution, the authority for the acquisition of lands for the purposes of the Central Government vests in the Central Government itself by article 298 of the Constitution. The Land Acquisition Act of 1894, which prescribes the procedure for the acquisition of land was amended by the Adaptation of Laws Order, 1950 and it empowered the Central Government to take executive action to acquire land for the purposes of the Union. As it was felt that it would not be convenient and expedient for the Central Government to exercise the executive powers to acquire lands for the purposes of the Union under the Land Acquisition Act of 1894, these powers were entrusted to the State Governments. But, in spite of the change in the Constitution, some State Governments, by oversight, continued to acquire lands for the Union under the Land Acquisition Act of 1894, after the commencement of the Constitution and before these executive powers were entrusted to them. The result is that unless we regularise these proceedings, they are liable to be challenged in courts of law and declared void. The object of the Bill is to regularise the acquisitions of lands made by several State Governments in the circumstances mentioned in the Bill. This Bill was passed by the Council of States without any debate on it and I hope here also it will be passed.

Mr. Chairman: Motion moved:

"That the Bill to validate the acquisition under the Land Acquisition Act, 1894, of lands by certain State Governments for the purposes of the Union, and orders passed and proceedings held in connection therewith, as passed by the Council of States, be taken into consideration."

Shri N. B. Chowdhury (Ghatal): This is a measure to regularise certain acquisitions of lands which have been made for some time past. In this connection, we find that the Indian Government makes acquisition of land for various purposes, for the construction of aerodromes, for rehabilitation purposes etc. What we find is that while Government becomes very energetic and takes prompt action at the time of acquiring lands, it is not at all prompt—I would say, is rather negligent—about the payment of compensation to the persons from whom the lands are acquired. We should also like to know what is the amount of land acquired during this period. What is the measure of land that is now going to be regularised? We know that in certain States, particularly in Bengal, they acquired large plots of land for rehabilitation purposes. While they did so, in some cases, they were reluctant to acquire lands which were very necessary, because those plots of land belonged to very rich persons or landlords like Birla and others. In this connection, I would urge upon the Government that they should take prompt measures.

With regard to the question of payment of compensation, it is a thing which is being demanded from all parts of the country. Only the other day the question of the payment of compensation in the district of Bankura in West Bengal was raised in respect of the lands that had been acquired for the Damodar Valley Corporation project. Such lands have been acquired in other parts of that State also. We want that Government should take quick measures to make payment of compensation where it is due.

Shri M. V. Krishnappa: The hon. Member's reference to the rate of compensation and the delay caused applies to the main Bill, whereas the purposes of this Bill is to regularise certain proceedings which have been taken by certain State Governments by oversight. In Madras there are only 24 cases and in U.P. there are four or five cases and there are one or two other cases also. After the enforcement of the Constitution, the power of acquiring land rests with the Central Government. According to

[Shri M. V. Krishnappa]

the old Act, the State Governments used to acquire lands and in between the State Governments had acquired certain lands by oversight. Of course, this is only a very negligible amount of land that has been acquired, which requires to be regularised.

Shri N. B. Chowdhury: The power to acquire lands is with the Central Government. Now, they have authorised the State Governments to acquire the land for the sake of convenience. Since we find that the State Governments make delay or that the Central Government, while acting through the State Governments, make delay with regard to the payment of compensation and also with regard to the matter of providing alternative lands where they have made such a promise, we want that the Government should consider and take speedy measures in this matter.

Shri M. V. Krishnappa: All these do not come under the purview of this Bill, which is just to regularise the acquisition of some lands which have been acquired by oversight by State Governments.

Mr. Chairman: The question is:

"That the Bill to validate the acquisition under the Land Acquisition Act, 1894, of lands by certain State Governments for the purposes of the Union, and orders passed and proceedings held in connection therewith, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Mr. Chairman: There are no amendments to this Bill.

The question is:

"That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the title and the Enacting Formula were added to the Bill.

Shri M. V. Krishnappa: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN RAILWAYS (SECOND AMENDMENT) BILL

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by the Council of States, be taken into consideration."

In requesting the House to agree to this Bill, which was passed by the Council of States, I would invite the attention of the hon. Members to the Statement of Objects and Reasons.

With a view to securing better utilisation of the available wagon space, it was decided in 1943, as a temporary measure, that, having due regard to considerations of safety, certain specified wagons based on their journal diameter, should be permitted to be loaded with general goods up to one ton in excess of the marked carrying capacity. This could not, however, be done uniformly in all cases, owing to track limitations, for example, on certain branch lines laid with lighter rails, no such overloading could be permitted with safety at more than certain specified speeds. Again, after Partition, due to the very acute wagon position, further relaxation was granted whereby coal could be loaded upto two tons in excess of the marked carrying capacity of such wagons, while other goods could be loaded upto one ton in excess of the marked carrying capacity. So far as coal traffic is concerned, it may be mentioned that even earlier, in 1930, it was noticed that

colliery-owners were frequently loading wagons with coal in excess of the marked carrying capacity. It was found difficult to check this irregular practice, as any readjustment of loads, even on detection, entaled detentions to wagons. At the same time, it was also found by actual experiments by Railways that an excess load to a small extent could be carried with safety in such wagons over certain sections at specified speeds. This excess loading over the carrying capacity was, therefore, authorised. As this relaxation could be allowed only on certain sections, where the track strength permitted it, it was not practicable to alter the marked carrying capacity already shown on wagons.

As hon. Members are aware, the wagon position on railways has not become easy. The withdrawal of the sanction for the loading of wagons in excess of their marked carrying capacity would necessitate an addition of some 3 to 4 per cent., of wagons to carry the same traffic. It is, therefore, proposed to continue the practice of permitting wagons to be so loaded in excess of their marked carrying capacity, consistent with the considerations of safety.

In cases where the loading of wagons in excess of the marked carrying capacity is permitted, freight charges are collected on the increased permissible weight. Though the enhanced carrying capacity is not exhibited on the outside of the wagons, as required by the present section 53(1) of the Indian Railways Act, 1890, Railways notify such enhanced capacity through their circulars for the guidance of the trade and the public.

As, however, the present practice, although conducive to better wagon usage, is not strictly in conformity with the existing provisions of the Indian Railways Act, it is proposed to suitably amend section 53 thereof, as indicated in the Bill, to permit of wagons being loaded, when occasion so requires, beyond the marked carrying capacity, without exhibiting the enhanced capacity, on the outside of wagons. In fact, the hon. Member, who has given notice of an amendment, is not here in the House now and the reply to that amendment is this. If we were to exhibit such enhanced capacity on the outside of the wagons, it would have the effect of increasing the carrying capacity of the wagons in question permanently for all classes of traffic and over all sections of the railway. The intention, however, is to apply this relaxation with care, having regard to the character of the traffic, the vehicles used, speeds of trains and the standard of track and bridges; in other words, having regard to the overall safety factor in individual cases.

As hon. Members will agree, this is a purely non-controversial piece of legislation, promoted to seek better utilisation of the available wagon space, having regard to all relevant factors. In fact, the proposed legislation is merely one that seeks to accord legal sanction to the practice which has been in vogue for several years past and found to have led to better utilisation of wagons consistent with safety. No change in actual practice is involved or intended.

Mr. Chairman: Motion moved:

> "That the Bill further to amend the Indian Railways Act, 1890, as passed by the Council of States, be taken into consideration."

Shri Nambiar (Mayuram): I have to make certain remarks on this Bill. I have got an objection to the very way in which this Bill has been brought forward, because the Indian Railways (First Amendment) Bill, which also is passed by the Council of States, is not brought forward so far. This bears the title of The Indian Railways (Second Amendment) Bill, 1953. The Second Amendment Bill comes first, and I do not know when the First Amendment Bill is going to come, and I am sorry

[Shri Nambiar]

to see the way how the matter is being dealt with by the Ministry. I have my own objection to this, and hope that the Deputy Minister will explain the reason why the First Amendment Bill is not still brought forward here.

Secondly, with regard to the very Bill, it is stated in the Statements of Objects and Reasons and it has been explained by the Deputy Minister just now, that certain loads can be carried by wagons above the maximum limit fixed. It is said that this will be notified through circulars of the General Managers or of the Operating Superintendents then and there, as occasions so require. This is a very ambiguous position. We are dealing with carriage of goods in wagons. The House I am sure is aware of a number of cases of derailments that have occurred recently. Even in today's newspaper there is an item about the derailment of a goods train in which one person was killed. Only a month or so back a train was detailed because the ammunition which was being carried in it blew out. This serious accident meant the death of thirty people.

This is the serious state of affairs that we already see on our Railways. The hon. Minister says that this practice was already in vogue on the railways and by this measure we are only regularising it. I do not know whether it is not due to this practice that many derailments have taken place. He has not given us full facts and figures. He himself in the course of his speech has admitted that while permitting certain loads we have to consider the capacity of the track, the speed of the train and the capacity of the axle to carry the weight. So, all these things have to be carefully worked out before we give this sanction. As at present envisaged the General Manager or the Operating Superintendent of the particular line is expected to decide this matter. This is a position which we cannot accept. It is rather too hard for us to accept. When once we permit by statute or legislation some authorities to carry loads beyond capacity, then it becomes something like a blank cheque, leaving it to the discretion of a particular operator. This is a risk which we cannot undertake in the existing conditions. That is why I object to this measure.

In the course of the discussion on the Railway Budget it was admitted that we are having thousands of outmoded or aged wagons on our railways. We are somehow or other repairing them and maintaining them. In many cases the maintenance itself is very poor and unsatisfactory. I can understand such a thing being done with new wagons. But here the matter is left entirely to the discretion of the authorities, irrespective of the fact whether the wagon carrying the load is new or old. What usually happens is this. When there is pressure from the mercantile community or from the public, this relaxation is made, with the attendant danger to the train movement itself. I do appreciate the spirit with which this amendment has been brought. The idea underlying it is to facilitate transport of goods. But this should be done without risk to the train itself. Of course, I would not object if on certain occasions, say 2 per cent. or 3 per cent. excess load is allowed to be carried Bridges on some of our sections are in a very bad way; we also see goods trains collapsing, or getting derailed at gradients. The intention of the hon. Minister may perhaps be good; but in practice this would be a dangerous step.

In this connection I have also to make a reference to the maintenance of our rolling stock. Recently the staff employed on maintenance of rolling stock has been reduced in various sections and the working hours of the rest have been increased. The working hours previously was eight;

now it has been increased to twelve. The result is that proper attention to the examination of wagons and carriages is not given at intermediate stations. I have got many instances —but I do not wish to repeat them, because the hon. Minister himself knows it. On the Southern Railway in various stations the working hours of the staff have been increased from eight to twelve. In Tanjore, Shoranur, and Trichinopoly on certain sections the staff has been reduced. Their hours of work have been increased.

The hon. Minister may well say that derailments are caused by some other reason. That explanation may be good. In regard to the derailment of a train in which ammunition was being carried, I read in the papers that there was short-circuit of electricity as a result of which the ammunition blew up. I do not know how there can be a short-circuit, and how the electric wire of a carriage can come in contact with the fuse of the ammunition. This is a difficult story for an ordinary man to understand. Of course there is an enquiry going on and a fresh story may come out. But this sort of explanation cannot be accepted, and I strongly object to this measure.

1 P.M.

He may perhaps ask as to how the wagon position may be improved. The wagon position can be improved with the cooperation of the workers. If repairs and maintenance is done, a lot of idle time can be avoided. I know that in certain workshops and loco sheds wagons are waiting for days and weeks for want of attendance. There retrenchment comes in the form of non-filling of vacancies or increase of work load. Enough labour is not available with the result that the wagons have to lie idle. These things can be rectified. If these things are rectified and better attention is paid to the track, the situation can be improved. Of course more wagons should be put on the line.

For all these reasons I have my own misgivings about this Bill. I cannot accept the amendment as it is and I would ask the House to give serious consideration to it before accepting it. I hope the Minister will give serious considerations to my suggestions.

सरदार ए० एस० सहगल (विलासपुर) : यह जो तरमीम इंडियन रेलवे सेकेन्ड ऐमेन्डमेंट बिल के नाम से मंत्री जी लाये हैं उस का मैं स्वागत करता हूं । मेरे मित्र ने यह अपनी आवाज उठाई कि जब भी उन को जरूरत पड़े तो जितनी कैपेसिटी एक वैगन की है उस को बढ़ाने के लिये उनको हक दिया जाय उसका विरोध किया है । यदि मंत्री जी जो कि आप का सन् १९५३ का और जो रेलवे का कानून १८९० का है, उस के साथ साथ यह चीज यदि उस में और लगा दी जाती है तो मैं समझता हूं कि इस में कोई हर्ज नहीं है । लेकिन वैगन्स की जितनी कैपेसिटी होती है उस से लोड अभी भी बढ़ाया जाता है । मंत्री जी मुझे माफ करेंगे कि यदि किसी को चोरी से कोई चीज भेजनी होती है तो वह अब भी भेजी जाती है । जब कि वेगन की कैपेसिटी कम है । इस का एक उदाहरण घुटकू स्टेशन ईस्टर्न रेलवे का है जो कि इस समय मंत्री जी के सामने पेश है । सभापति जी मैं समझता हूं कि इस जगह पर यदि संशोधन कर दिया जायेगा तो जो लोग यह कार्रवाइयां करते हैं वह कम से कम कानूनी तौर पर करेंगे । कम से कम चोरी तो बन्द हो ही जायेगी । मेरी तो ऐसी ही राय है । इस लिये जो तरमीम है इस को मंजूर कर लेना चाहिये ।

दूसरे मेरे मित्र ने यह कहा कि अब आज कल जो एक्स्प्लोसिव चीजें भेजी जाती हैं उस के कारण भी गड़बड़ी होती है, यह चीजें नहीं होनी चाहियें । लेकिन कोई जान कर तो इसको करता नहीं । कोई एक्स्प्लोसिव चीज अगर है जिस को नहीं जाना चाहिये, यदि वह भेजी जाती है तो उस की सारी जिम्मेदारी

[सरदार ए० एस० सहगल]

भेजने वाले पर है । इसकी तहकीकात हो रही है । तहकीकात होने के बाद जो कुछ होगा उस के बाद वाजिब सज़ा जिम्मेदार आदमी को दी जायेगी । लेकिन इस तरह से एक लांछन लगाना कि इस तरह की चीज़ें होती हैं या ऐक्सिडेन्ट्स ज्यादा लोड के कारण होते हैं, इस को मानने के लिये मैं तैयार नहीं । ऐक्सिडेन्ट्स जो होते हैं फिश प्लेट्स रेल की पातें, सिगनल वगैरह के हटाने से होते हैं, या जो हमारे कुछ दोस्त हैं, जो कि दूसरे रास्ते पर चलते हैं और दूसरों को चलाना चाहते हैं । अगर वह अपनी निगाह उधर बढ़ा दें तो भी हो सकते हैं, इस तरह का लांछन मंत्री जी पर जो लगा रहे हैं । इन कारणों से यह सब चीज़ें हो सकती हैं । यह कहना कि ऐक्सिडेन्ट्स कैपेसिटी के बढ़ाने से होते हैं यह गलत है । इस लिये हम को इस बिल का स्वागत करना चाहिये और इस को पास करना चाहिये ।

Shri Ramachandra Reddi (Nellore): I have a very few words to add to the discussion on this Bill. The objection raised by my friend, Mr. Nambiar, was that this Second Amendment Bill ought to have been preceded by the First Amendment Bill. Since the two Bills deal with two different amendments, I do not think it is very necessary that Bill No. 2 must succeed Bill No. 1.

Apart from that, if we look into the Statement of Objects and Reasons, the objects are, no doubt, clear; but the reasons are not convincing. Why the loading capacity has to be regularised though it has been irregularly followed so long is not quite clear. It only means that we followed an irregular act that has been all along pursued and also we are going to continue the irregularity. As a matter of fact, this sort of Bill only protects the Government or the Railway Department from any legal action but to what extent the act of the Government itself is legal has yet to be examined before a Court of law.

Another small point that I would like to mention is this. We find that there has been a great change in the Railway Administration; we have had regrouping of Railways; we are not having one railway administered by the Government. In view of this, there ought to have been a comprehensive amending Bill brought before this House because several sections of the Act may have to be amended so as to regularise the entire system of Railway Administration. I would only ask the hon. Minister to tell me when they are likely to bring before this House a comprehensive amending Bill and whether they are already thinking about it and whether they have made any headway towards that.

Shri Alagesan: As far as the first amendment and the second amendment are concerned, it is true that the First Amendment Bill has not been brought and you know the congestion of business in this House. In fact, we had to introduce the Bill in the other House because we get a fairly good chance there and we would be perfectly willing if the Business Advisory Committee so decides to give us time to bring in the other Bill and I am anxious that that Bill should also be passed. As for the order, perhaps it is only a verbal change that is needed. If you want or that is necessitated, this may be called the First Amendment Bill; there is no harm and there should be no difficulty about it.

As for the safety considerations urged by the hon. Member over there, I am at one with him. In fact, in my opening speech it was that aspect which was emphasised. This practice, as I pointed out, is not a new one; in fact, it has been there even prior to 1932 when extra load of one ton coal was permitted. Then, from 1943 onwards, it covered

—the relaxation covered—general merchandise also. After partition, because of the tight position of the wagons with regard to coal the relaxation was up to two tons of the carrying capacity. It is not the intention to pursue this or to have this practice continued for ever. When our wagon position improves, the intention is that we should confine to the marked carrying capacity; and also, as I said, as a result of experiments it was possible to raise it a little more. In order to regularise that and stop leakage we had to permit this extra load.

As far as accidents are concerned, it is known that every accident is enquired into and the causes are reported and a committee is going into the question and it will be submitting its report shortly. We will consider the best measures that should be undertaken to avoid accidents and save life and property but it has not come to our notice that these accidents are due to the extra load. In fact, this extra load is permitted with great care. It is not permitted on certain sections, branch lines etc. and, in fact, that is the reason why we do not want to show the increased capacity on the outside of the wagons by marking it. All precautions are taken. It is not done in a haphazard way. This is only, as I said, to regularise the practice that has been going on for a number of years and I can assure the hon. Members that every precaution will be taken in following this rule.

Perhaps, it will be profitable if I take one item and give certain figures. To load all coal—coal alone —it will require 3,600 wagons daily and this is one-third of the entire B. G. daily loading which comes to 13,000 wagons a day. If we do not have recourse to this, namely an extra load of two tons, there will be a lot of wagons that will be required which we can hardly find now. The House is anxious as well as the Ministry that we should step up our procurement and we are doing everything possible. In fact, whereas the indigenous manufacturers are supplying only 7000 wagons a year, we have had talks with them and asked them to increase the installed capacity if I remember aright from April 1955—they should be able to give us 12,000 wagons a year. This has been done in accordance with our policy not to import wagons and depend upon other countries for our wagons. So that is being attended to and as I said, this relaxation will not last a moment longer than is absolutely necessary. I commend my motion.

Mr. Chairman: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Mr. Chairman: The question is.

"That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Alagesan: I beg to move:

"That the Bill be passed."

Mr. Chairman: Before I put the motion to the vote of the House, I may point out that this should be treated as the (First Amendment) Bill, as the earlier Bill has not been finally disposed of. We may leave it to the Speaker to make the necessary change. Now, I put the motion to the House. Motion moved:

"That the Bill be passed."

Shri Nambiar: I have got one point to ask the hon. Minister and the extra load to be carried is left for the officer to decide; if any accident happens to a wagon which is loaded

[Shri Nambier]

extra what will happen? Will it recoil on the staff who had loaded or will the responsibility for it fall on the officer concerned? In what way will it be decided? I have got my own fear that the whole thing will come on the neck of the goods clerk or the parcel clerk. I want to know: what will be the position exactly? They may say that the officer has issued the circular and therefore, he is responsible and not the clerk. Next time the officer will say: "because the clerk recommended I have issued the circular, and therefore the clerk is responsible." Anyhow, the whole thing will recoil upon him. That is my fear and that is my practical experience. If the hon. Minister can explain the position, that will help me very much.

Shri Alagesan: It can be explained very easily. The fixing of responsibility at various stages is already there. Supposing we do not have this extra provision and the accident occurs; the responsibility in that case has also to be fixed and it has to be fixed on those who were guilty of negligence. Because we are passing this Bill, no new problem is going to be created as the hon. Member fears.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

The House then adjourned till a Quarter Past Eight of the Clock on Tuesday, the 27th April, 1954.